CULTURAL RESOURCES MANAGEMENT GUIDELINES

NPS-28

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SERVICE
DEPARTMENT OF
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INTRODUCTION

The National Park Service manages America's most important cultural and natural resources. Those resources are the base from which all other park management activities stem; if they are degraded or lost, so are the values of the parks and the experiences of park visitors.

The "Management Policies" of the National Park Service charge the park manager with the specific responsibility to

> locate, identify, evaluate, preserve, manage, and interpret qualified cultural resources in every park in such a way that they may be handed on to future generations unimpaired. . . . Consistent with the requirements of law, resources managers and professionals at all levels shall take positive action to perpetuate unimpaired the cultural resources of the National Park System; to prevent adverse effects on these resources by development, visitor use, or resource management activities; and to prohibit vandalism or unauthorized excavation, collection, or appropriation of cultural resources (chapter 5, page 2).

This policy is the fundamental cultural resources management mission of the National Park Service derived from the organic act of 1916 and from historic preservation law.

The preferred means for perpetuating cultural resources is through protection and preservation maintenance. Minimal intervention is best; if a resource can be preserved by taking no action, that is the ideal way to preserve it.

All cultural resources management activities must be undertaken with the knowledge that the tangible resources being treated are both finite in number and nonrenewable if damaged or allowed to deteriorate. Similarly, intangible resources such as cultural traits and behaviors must not be inadvertently influenced or misinterpreted. The Service's emphasis on the preservation of authentic resources is supported by nationally and internationally accepted historic preservation standards and stresses the perpetuation of extant prehistoric, historic, and cultural resources rather than the re-creation of them. Extensive archeological excavations, comprehensive or substantial modifications, extensive restoration treatments, and ill-advised large-scale reconstruction projects have often harmed more resources than they have preserved, and at considerable expense.

The core cultural resources management mission of the National Park Service is

> to complete the basic inventories of cultural resources on park system lands
>
> to determine which resources are significant enough to qualify for preservation

> to preserve to the extent practicable the original authentic resources which qualify for preservation
>
> to interpret the significance of these resources to the public with professional integrity and candor

In sum, to preserve what we have and to present it with integrity and candor is considered the best and highest application of available funds and professional expertise.

PURPOSE

This "Cultural Resources Management Guideline" is intended to expand, clarify, and apply the principles expressed in chapter 5 of the NPS "Management Policies." It is prepared as a reference and source of direction for managers, planners, cultural resources specialists, and others involved in the preservation of cultural resources in the NPS. Its standards also apply to researchers, consultants, or contractors working for or with the permission of the NPS.

Cultural resources management in the National Park Service is carried out under the authority of line managers, specifically park superintendents, regional directors, and the director. Their undertakings must be formulated in consultation with cultural resource specialists who recommend programs and review all proposals. It is the responsibility of these specialists to provide professional and ethical guidance on all park actions that could affect cultural resources; line management is accountable for final program selection after taking into account the recommendations of cultural resource specialists. Those recommendations should be followed unless there are compelling management reasons why that is not possible.

The following procedures set forth the standards for the cultural resources specialists and describe to line managers the steps they must follow and the criteria they must consider when making decisions affecting cultural resources. Inherent in the procedures is the principle that each project has unique characteristics and that the proper timing and level of preservation treatment may vary.

ORGANIZATION

Chapter 2 describes the standards that must be met by all Service and contractual personnel who work with cultural resources.

Chapter 3 describes the different types of plans, reports, studies, and lists that are part of the cultural resources management process.

Chapter 4 outlines procedures for treatment of cultural resources by trained specialists from regional offices, parks, or centers.

Chapter 5 is oriented toward field management, providing information to guide day-to-day operational activities that affect cultural resources.

Chapter 6 describes the steps necessary to comply with legislative and executive requirements.

Chapter 7 describes the process by which this guideline is to be amended.

Each chapter is introduced with information on its purpose and use.

The appendixes provide detailed data on preparation of many of the documents described in chapter 3, along with other relevant information.

RELATIONSHIP OF NPS-28 TO OTHER CRM DOCUMENTS

This guideline supplements and complements other NPS communications on the subject of cultural resources management. Other principal sources and their relationships include

"Management Policies"	NPS-28 clarifies and details chapter 5 of the NPS "Management Policies"
The secretary of the interior's "Standards for Historic Preservation Projects" (36 CFR 1207)	The guidelines in NPS-28 are more restrictive than the secretary's standards and cover all areas applicable to park operations and management, therefore NPS-28 is used in lieu of those standards for all internal Service activities.
"Museum Handbook"	The "Museum Handbook" provides more detailed information on the organization and care of collections.
Manual for Museums	The Manual for Museums supplements the "Museum Handbook."
NPS-2	The "Planning Process Guideline" details the information required to plan for parks' futures as well as how to develop a plan.
NPS-6	The "Interpretation and Visitor Services Guideline" establishes the conditions and actions that are prerequisites in a park interpretation and visitor services program.

NPS-9	The "Law Enforcement Guideline" is a compilation of procedures which must be followed in executing the NPS law enforcement activities for the safety of the park visitor, the protection of the resource, and the absence of crime.
NPS-12	The "Environmental Assessments and Statements Guideline" provides direction for procedural compliance with the National Environmental Policy Act of 1969 (NEPA). Compliance with NEPA requires compliance with section 106 of the National Historic Preservation Act (amended 1980).
NPS-19	The "Records Management Guideline" explains the basic authority and the Service's implementation of the Federal Records Program.

EXPLANATION OF TERMS

These explanations of terms are for the purpose of this guideline and general NPS cultural resources management. In some instances, terms have been defined according to traditionally accepted Park Service usage rather than according to more general dictionary usage.

Acquisition: As applied to structures, the act or process of acquiring fee title or interest other than fee title of real property (including the acquisition of development rights or remainder interest).

Adaptive Use: The act or process of adapting a structure to a use other than that for which it was designed, such as using a historic dwelling for offices.

Advisory Council on Historic Preservation: Established in section 201 of the National Historic Preservation Act of 1966 (amended 1980). The council reviews and comments on all federal actions affecting cultural resources under the authority of section 106 of the 1966 Historic Preservation Act. It also, among other activities, advises the president and the Congress on matters relating to historic preservation; recommends measures to coordinate activities of federal, state, and local agencies; and advises on the dissemination of information pertaining to such activities. Its members include representatives from cabinet-level offices and presidential appointees from outside the federal government.

Anthropology: The scientific study of human beings, including their cultures, behaviors, biological and physical characteristics, and adaptions over time and geographic locations to various natural environments. It is holistic in that it describes and interprets the human situation in the terms of the complex interrelationships of culture, natural environments and biological realities. It is a historic discipline because it describes and interprets human existence over vast periods of time. Anthropology includes the specializations of archeology, ethnography, ethnology, linguistics, physical anthropology, and sociocultural anthropology. An anthropologist is a scientist with advanced training in any of the above subdisciplines.

Archeological Clearance: A memorandum which documents that an undertaking has met the environmental and historic preservation guideline requirements with respect to archeological values of cultural resources. A clearance may be issued when

> there are no significant archeological resources within the project's area of effect
>
> significant archeological values within the project's area of effect will not be adversely impacted
>
> Significant archeological values within a project's area of effect that will be adversely affected have been salvaged in accordance with NPS standards

Archeology: The scientific study, interpretation, and reconstruction of past human cultures from an anthropological perspective based on the investigation of the surviving physical evidence of human activity and the reconstruction of related past environments. Historic archeology proceeds upon the same basis, but uses historical documentation as additional sources of information. An archeologist is a scientist professionally trained to conduct such studies.

Architectural Historian: A historian concentrating on the study of architecture through written records and examination of structures, sites, and objects in order to determine its relationship to preceding, contemporary, and subsequent architecture and events.

Archives: Archives are the noncurrent records of an organization or institution interrelated by theme and preserved for their historical value. Official records of the National Park Service are managed by the National Archives and Records Service and do not fall within the concerns of this guideline. An archivist is one type of professional trained in the management of archives and other historical documents, including their collection, appraisal, disposition, accessioning, cataloging, preservation, arrangement, description, reference service, exhibition, and publication. The term "archives" is often used to refer to the repository where archives and other historical documents are maintained. See Historic Document.

Artifact: A portable object resulting from human activity, usually applied to objects found in or removed from archeological sites, whether historic or prehistoric.

Conservation of Objects: This term encompasses three explicit functions, all carried out by a trained conservator capable of performing and giving supervision and advice in a manner consistent with the profession's code of ethics. The functions are

> examination - the preliminary procedure taken to determine the original construction and materials of an object and the extent of its deterioration, alteration, or loss
>
> preservation - action taken to retard or prevent deterioration of or damage to an object by control of its environment and/or treatment of its structure; the goal is to maintain it as nearly as possible in an unchanging (stable) state
>
> restoration - action taken to return a deteriorated or damaged object as nearly as is feasible to the form, design, color, and function it had at a particular period of time; the process must minimize loss of aesthetic and historic integrity

Cultural Landscape: A cultural landscape is a geographic area, including both cultural and natural resources, including the wildlife or domestic animals therein, that has been influenced by or reflects human activity or was the background for an event or person significant in human history. There are four general kinds of cultural landscapes, not mutually exclusive:

> The most common is the cultural or historic scene, a micro-environment where a significant historic event occurred. Frequently, there are associated structures or other tangible remains. In historic areas, such remains often are the most significant physical resource of the park. The cultural scene is of importance in providing the context for understanding and interpreting the events, ideas, or persons associated with the park. The historic scene is always present in historic parks, although its integrity may be severely diminished because of intrusions such as nearby developments, inappropriate plantings, or lack of maintenance.
>
> A second common cultural landscape is the historic site. Unlike the historic scene, the historic site is not always relevant to historic structures or other physical remains. The event or activity that occurred has imbued a particular piece of ground with significance that warrants preservation of the historic appearance of the landscape, in so far as possible. Examples are battlefields, landing sites, and historic routes.

Another kind of cultural landscape is the historic landscape. The historic landscape is important for form, layout, or its designer, or for all three. Significant events or persons are not the primary reasons for its preservation, although both may be relevant. With historic landscapes, as with historic structures, attention to detail is of importance. Examples are formal gardens and parks such as Golden Gate Park in San Francisco or Jacob Riis Park in New York City.

The most difficult cultural landscape to define and manage is the sociocultural landscape. The sociocultural landscape is characterized by the use of contemporary peoples. These uses may include subsistence hunting and gathering, religious or sacred ceremonies, and traditional meetings. This is a difficult resource to manage because its significance is derived from human interaction with or consumptive use of the natural environment. To effectively manage the area, the park manager must assure perpetuation of the resources, should afford contemporary groups or individuals the opportunity to continue their traditional uses, and must provide for the general park visitor.

Cultural Resources: Those tangible and intangible aspects of cultural systems, both living and dead, that are valued by or representative of a given culture or that contain information about a culture. Cultural resources are finite and nonrenewable, and include but are not limited to sites, structures, districts, objects, and historic documents associated with or representative of peoples, cultures, and human activities and events, either in the present or in the past. Cultural resources also can include the primary written and verbal data for interpretation and understanding of those tangible resources.

Cultural Resources Management: An umbrella term for activities affecting cultural resources; includes the preservation, use, protection, selective investigation of, or decision not to preserve, prehistoric and historic remains; specifically, includes the development of ways and means, including legislation and actions, to safeguard extant evidences or to preserve records of the past.

Cultural Resources Specialist: A person trained in any one of the cultural resources fields, including anthropologists, archeologists, ethnologists, ethnohistorians, architectural historians, architectural conservators, archivists, curators, historians, historical architects, and object conservators. They are responsible for advising line management and carrying out work; line managers (the director, regional directors, and superintendents) are ultimately responsible for and accountable for the management decisions affecting cultural resources. The term "cultural resources specialist" replaces the terms "cultural resources manager" and "cultural resources management professional" used in the 1980 edition of NPS-28.

Cultural Resources Technician: Any one of various technically trained skilled craftspersons who conduct cultural resources "hands on" work. These include preservation specialists, historical craftspersons, historical maintenancepersons, and collection preservation technicians.

Culture: Culture is all that which is socially transmitted in a society, including artistic, social, ideological, technical, and religious patterns of behavior, and the techniques for mastering the environment. The term also is used to refer to a single social group possessing specific traits.

Curator: The person in charge of a collection of objects in a museum or other NPS respository of collections. The curator is a specialist in a field related to the collection and is responsible for the management of that collection, including acquisition and disposal, documentation and cataloging, preservation, storage, access, interpretation and exhibition, and research and publication. Curators on park staffs who work directly with collections on a regular basis are known as "museum curators;" curators in other offices generally are known as "staff curators." In the NPS, curators are usually in charge of historic documents where there is no archivist.

Ecofact: Evidence from the past that is not an artifact but is important for reconstructing the natural environment of an archeological site. The term encompasses inorganic material (minerals, soils, etc.) and organic material (animal parts, such as bone, teeth, and antlers; plant parts, such as pollen, seeds, and leaves; and human remains, such as bone, teeth, coprolites, and quids).

"Effect", "No Effect," and "Adverse Effect": These are regional-level evaluations of the impacts of projects upon identified cultural resources. Criteria for determining effect are specifically defined in 36 CFR 800.3. These procedures, which must be followed by all federal agencies for projects involving cultural resources, are outlined in 36 CFR 800. See definition of section 106, and chapter 6.

Ethnic: Of or relating to races, societies, or groups of people distinguished by common cultural traits or customs.

Ethnography: The study of individual contemporary cultures; it is primarily a descriptive and noninterpretive study. Ethnography is part of the discipline of anthropology.

Ethnology: The comparative study of contemporary cultures. Ethnology is distinguished from ethnography in being the comparative study of cultural institutions, rather than purely descriptive.

Ethnohistory: The study of the development of a particular cultural group through time utilizing oral traditions and archeological and linguistic data.

Excavation: The scientific examination of an archeological site through layer-by-layer removal and study of the contents within prescribed surfice units, e.g., 1 meter by 1 meter square. This is done according to professional standards of archeological methodology.

Feature: A nonportable artifact, not recoverable from its matrix (usually in an archeological site) without destroying its integrity. Examples of features include rock paintings, hearths, post holes, floors, and walls.

Historian: A specialist with advanced training in the research, interpretation, and writing of history. Within the Service, historians serve as researchers, cultural resource managers, cultural resources specialists, and park interpreters.

Historic District: A geographically definable area, urban or rural, that possesses a significant concentration, linkage, or continuity of historic sites, structures, or objects, unified by past events or aesthetically by plan or physical developments or by similarity of human use. A district also may be composed of individual elements that are separated geographically but are linked by association or history. Historical units of the National Park System are ordinarily historic districts in themselves.

Historic Document: In the National Park Service, a written or graphic documentation of a past human event, activity, observation, experience, or idea.

Historic Fabric: The material remains of a historic structure or object; either original materials or materials incorporated in a subsequent historically significant period as opposed to materials utilized to maintain or restore the structure or object during a nonhistoric period.

Historic Landscape: See Cultural Landscape.

Historic Property: Historic property, as referred to in programmatic memorandums of agreement with the Advisory Council on Historic Preservation, includes all property, historic and prehistoric, on the Cultural Sites Inventory, on the List of Classified Structures, included on or eligible for the National Register of Historic Places, or determined by Park Service regional office cultural resources specialists to meet the criteria for inclusion on the National Register. (The specific criteria that a given property has met will be identified and the evaluation documented.) Historic (and prehistoric) properties can include districts, objects, and historic documents, as well as structures and sites. All historic properties are managed in accordance with NPS-28 and the "Management Policies." Note that this definition is much broader than that contained in the National Historic Preservation Act, section 301(5).

Historic Scene: See Cultural Landscape.

Historic Structure: A constructed work, either historic or prehistoric, that has been consciously created to serve some form of human activity.

It is usually immovable by nature or design. Examples are buildings of various kinds, monuments, dams, roads, railroad tracks, canals, millraces, bridges, tunnels, locomotives, nautical vessels, stockades, forts and associated earthworks, Indian mounds, cemeteries, ruins, fences, gardens, and monumental statuary. A historic structure is a historic property as defined above.

Historic Site: See Cultural Landscape.

Historical Archeologist: A scientist with advanced training in historical archeology and in the use of historical documents in the reconstruction of the past (see anthropology).

Historical Archeology: The subdiscipline of archeology concerned with the remains left by literate societies (in contrast to prehistoric archeology, although the distinction is not always clear-cut). In the United States, historical archeology generally deals with the evidences of Euro-American societies and with the evidences of aboriginal societies after the time of major cultural disruption or material change due to Euro-American contact.

Historical Architect: A specialist in the science and art of architecture with specialized advanced training in the principles, theories, concepts, methods, and techniques of preserving prehistoric and historic structures. An historical architect has an understanding and skill to use pertinent aspects of original construction methods and materials combined with contemporary technology, engineering, and material science to preserve the structure's cultural and esthetic values and physical fabric.

History: The study of the past through written records and oral history that are compared, judged for veracity, placed in chronological sequence, and interpreted in light of preceding, contemporary, and subsequent events.

Housekeeping: That portion of maintenance that removes undesirable or harmful deposits of soil from the surface of building elements. The goal of historic structure housekeeping is to remove soil in a manner that does the least amount of harm to the surface treated. Housekeeping is repeated at short time intervals so that soil removal can be done with the gentlest and least radical methods.

Library: A collection of books; journals; pamphlets; and photographic, graphic, and audio documents that are associated with the theme and purpose of a particular park, center, region, or office and are cataloged and made available for general staff and visitor reference and research use. Items in a library collection are distinguished from historic documents in that they are not original and unique resources.

Museum Collection: An assemblage of objects, works of art, historic documents, and/or natural history specimens collected according to some rational scheme and maintained so they can be preserved, studied, or interpreted for public benefit. Museum collections normally are kept in park museums, although they may also be maintained in archeological and historic preservation centers. To be a museum collection, the assembled objects and specimens must be related to each other and to one or more park themes.

National Architectural and Engineering Record (NAER): This is a combination of the Historic American Buildings Survey (HABS) and Historic American Engineering Record (HAER). The program's intent is to produce a thorough archival record of both buildings and engineering examples which comprise the heritage of the built environment of the United States. This program is administered by NPS. If the NPS substantially alters or demolishes a historic structure, NAER documentation standards must be met.

National Historic Landmark: A site, building, or object of national significance. The designation originated in the 1935 Historic Sites Act, which authorized the National Park Service to survey the nation for sites, buildings, or objects of national significance and to record and carry out necessary research on them. The 1966 Historic Preservation Act placed all national historic landmarks on the newly created National Register of Historic Places.

National Register of Historic Places: The National Register consists of sites, structures, or objects of local, state, or national significance. It was established by the 1966 Historic Preservation Act, which extended the 1935 national landmarks concept. To be eligible for inclusion on the National Register, properties can be publicly or privately owned but must meet the criteria found in 36 CFR 800 or 36 CFR 1202.6. The program is administered by the National Park Service.

Nautical Vessel: Watercraft over 20 feet long and bearing the designation of "boat" are ordinarily considered nautical vessels. All ocean-going ships are considered nautical vessels. Any craft that can be rowed or paddled (even if such is not its primary means of power) is a boat rather than a nautical vessel. Nautical vessels are treated as structures for purposes of their preservation; other watercraft are treated as objects.

Object: Material thing possessing functional, aesthetic, cultural, symbolic, or scientific value. An object is usually movable by nature or design, such as a coin, a gun, a ceramic pot, a chair, a canoe, or an automobile. Museum objects include prehistoric and historic objects, artifacts, works of art, and natural history specimens that are part of a museum collection. Elements, fragments, and components of structures are objects if they are no longer part of the original structure. Large or immovable properties, such as monumental statuary, trains, nautical vessels, cairns, and rock paintings, are considered to be either structures or features of sites. Objects in the custody of the National Park Service usually become part of park museum collections or of collections in archeological and historic preservation centers. Objects owned by the Service also may be on deposit in university collections.

Prehistory: The period prior to a culture's acquisition of writing.

Preservation: The act or process of applying measures to sustain the existing terrain and vegetative cover of a site and the existing form, integrity, and material of an object or structure. It includes initial stabilization work, where necessary, as well as ongoing maintenance.

Preservation Maintenance: The act or process of applying preservation treatment to a cultural resource. It includes housekeeping and routine and cyclic work scheduled to mitigate wear and deterioration without altering the appearance of the resource; repair or replacement-in-kind of broken or worn-out elements, parts, or surfaces so as to keep the existing appearance and function of the structure; work to moderate, prevent, or arrest erosion of archeological sites; and emergency stabilization work necessary to protect damaged historic fabric from additional damage.

Preservation of Objects: See Conservation of Objects.

Programmatic Memorandum of Agreement (PMOA): An agreement between the NPS, the Advisory Council on Historic Preservation (ACHP), and the National Conference of State Historic Preservation Officers (NCSHPO). Under section 106 of the National Historic Preservation Act of 1966, the NPS must consult with the ACHP and the appropriate SHPO whenever an action by the Service will affect a historic property. A PMOA establishes a procedure by which certain kinds of actions may proceed without detailed consultation, as long as those actions are generally approved by the council and consistent with NPS-28 and with management policies. Included are actions described in management plans concurred in by the council, preservation maintenance as defined in chapter 5, and the energy management program. This procedure satisfies NPS responsibilities under section 106. See chapter 6 for a discussion of the compliance responsibilities. Copies of current PMOAs are in appendix U.

Protection: Application of measures designed to shield a resource from deterioration, damage, loss, or attack. The threats can be naturally occurring or from man. The protection can be a permanent program or can be a temporary stabilization of a building or object awaiting full treatment. In its broadest sense, the term also includes traditional law enforcement and physical security activities intended to prevent vandalism, arson, burglary, and other crimes affecting cultural resources.

Reconnaissance Study: A synthesis of cultural resources information describing the kinds of resources in a study area, sites, structures, and their associated objects, and summarizing their significance(s). It is frequently referred to as an overview, as in "cultural resources overview."

Reconstruction of Objects: The construction or fabrication of an accurate copy of an object. The object being reconstructed may be too deteriorated or fragile to be displayed or otherwise used or may no longer exist. Reconstructed objects are normally used as furnishings in historic structures or as equipment in living history programs.

Reconstruction of Structures: Accurately recreating a structure which no longer exists to its original appearance or to its appearance at a given point in its history; design information is obtained through archival, archeological, and architectural investigations. Reconstruction can be full or partial. Although parts of the original structure are sometimes utilized, substantial quantities of new construction materials are usually involved.

Research Design: (Definition to be developed)

Restoration: The act or process of recovering the general historic appearance of a site or the form and details of an object or structure, or portion thereof, by the removal of incompatible natural or human-caused accretions and the replacement of missing elements. Restoration can be for exteriors and interiors, and may be partial or complete.

Routine Preservation Maintenance: That portion of maintenance that consists mostly of service activities such as tightening, adjusting, oiling, etc., as opposed to cyclic preservation maintenance, which usually involves replacement, or at least mending, of the structural fabric.

Salvage: The recovery, through professional investigations and documentation, of significant data associated with cultural resources in lieu of in-place preservation of cultural resources. This generally involves the physical removal of portions of the resource and their preservation. Salvage studies must conform to Service standards of research. The need for salvage usually results from a management action that will adversely affect cultural resources eligible for presern. However, natural forces or visitor use activity may justify the application of salvage. Compliance with the PMOA or section 106 is required prior to salvage. Once a standard technique in cultural resources management, it now constitutes a "last resort," being far less desirable than preservation-in-place of the cultural resources.

Section 106, or "106": This applies to the process stated in section 106 of the 1966 Historic Preservation Act, which requires the responsible federal agency official to take into account the effect of any proposed undertaking upon cultural resources included in or eligible for inclusion in the National Register of Historic Places. It also requires the agency official to permit the Advisory Council on Historic Preservation (established by the act) a reasonable opportunity to comment with regard to the undertaking. Compliance with section 106 is required for any federal or federally controlled or licensed undertaking. The process is described in 36 CFR 800.4, "Agency Procedures," and in chapter 6.

Sociocultural Resources: This class of resources includes the designated geographic sites and use zones and the intangible values and traditional activities associated with society or group use of units of the National Park System. Examples would be spiritual associations with places and rituals; subsistence hunting, trapping, fishing, gathering; horticultural pursuits; traditional intervillage transportation and trading patterns; and the general lifestyle of particular groups in their environmental settings, as evaluated and identified by cultural resources specialists in consultation with local residents and individual groups.

Stabilization of Structures: The act or process of applying measures designed to reestablish an unsafe or deteriorated structure's weather-resistance and structural stability, while maintaining its essential form as it exists. Stabilization is normally an interim treatment for historic structures and final treatment for prehistoric resources.

State Historic Preservation Officer (SHPO): An official within each state appointed by the governor to administer the state historic preservation program. In addition, the SHPOs have specific responsibilities relating to federal undertakings that affect cultural resources within the state. See the National Historic Preservation Act, section 101(b)(3), for SHPO responsibilities.

Submerged Cultural Resources: Historic and prehistoric remains beneath the waters (both salt and fresh) within the boundaries or jurisdiction of National Park Service units. Such resources are fully subject to the standards and procedures covered in this guideline.

Subsistence: The customary and traditional uses by Native Americans of natural plants and wild animals for personal or family use or consumption; for the making and selling of handicraft articles out of the nonedible by-products of fish and wildlife resources taken for personal or family use or consumption; and for customary trade (see 36 CFR 13.4d). In general, subsistence activities are allowed only in those parks where it is specifically authorized by law or treaty. Collecting of natural materials (but not taking animals) may be permitted in accordance with the policy established by Special Directive 78-1 (see appendix N). In Alaskan and Pacific units of the National Park System, subsistence is the significant economic and cultural dependence on the harvest of wild natural resources by native peoples through traditional hunting, fishing, and gathering activities. In the Southwest and elsewhere, subsistence also can include mixed agricultural, pastoral, and wild-resource harvest techniques. The legislation concerning some units of the Park System defines what constitutes subsistence in those units.

Undertaking: As referred to in preservation and environmental law and regulations, undertaking means any federal, federally assisted, federally licensed, or federally sanctioned action, activity, or program.

Undertakings include new and continuing projects and program activities that are (1) directly undertaken by federal agencies; (2) supported in whole or in part, directly or indirectly, by federal agencies; (3) carried out pursuant to a federal lease, permit, license, approval, or other form of permission; or, (4) proposed by a federal agency for congressional authorization or appropriation. Undertakings may be either site-specific or nonsite-specific. See 36 CFR Part 800.2(c) for a detailed definition.

XXX Form: The "Assessment of Effect on Cultural Resources" (XXX form) is required for all proposed actions that may affect historic properties as defined in this chapter. In addition, it serves as an attachment to regional office correspondence on proposed actions requiring consultation under 36 CFR 800. It is the agreed-to format for documentation of compliance with NPS policies and guidelines in accordance with programmatic memorandums of agreement with the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers. The associate director for cultural resources management, Washington, maintains copies of the XXX form and monitors servicewide compliance.

STANDARDS FOR INTERNAL SERVICE ACTIVITIES

INTRODUCTION

This chapter details the standards that cultural resources management activities must meet in the National Park Service. This set of standards is not intended as a substitute for professional judgment, but rather as a tool for ensuring consistent, high-quality work. Compliance with these standards is the responsibility of all employees and of those working for the Service on a contractual basis. Projects must meet both general and specific standards.

GENERAL STANDARDS

A cultural resources management program must be prepared for every park and reviewed on an annual basis, as described in chapter 3.

The scope of the cultural resources information base for a given project is determined by the task. The goal is to identify and evaluate the cultural resources within a planning area to the degree necessary to plan actions and assess their probable impacts.

The geographical limit of the archeological resources information base necessary to determine resources' significance may extend well beyond the boundary of the planning area. This is because the significance of archeological resources requires an understanding and knowledge of the regional or subregional context within which the resources exist.

The condition of cultural resources subject to natural and human impacts will be systematically and professionally monitored, documented, and evaluated so that appropriate recommendations for their preservation or salvage can be implemented.

All undertakings that may affect cultural resources must be reviewed in advance by regional cultural resources specialists to ensure that all feasible planning or design measures are taken to avoid or minimize impairment of those resources. Unavoidable adverse effects must be mitigated in accordance with the requirements of this guideline.

Any area that will be affected by construction, human use, or natural erosion must have a complete inventory of cultural resources as defined by section 110(a)(2) of the National Historic Preservation Act (amended 1980). This inventory should cover a sufficient area to develop a full and accurate information base upon which least-impact alternatives can be planned.

All resources must be evaluated using the criteria for the National Register of Historic Places. Park resources that qualify for national historic landmark designation must be specially identified for consideration as landmarks. National Register procedures are found in 36 CFR 60.

All proposed and current cultural resource treatment (preservation/stabilization, restoration, reconstruction, historical furnishing, adaptive use, neglect, removal, etc.) must be in a park's general management plan or cultural resources management plan and then programmed into the park program for accomplishment.

Cultural resources preservation guides and maintenance guides are to be completed and followed by each park. Pending their completion, preservation treatment must be conducted in accordance with the preservation maintenance standards in this guideline.

All treatments and actions must be consistent with relevant NPS management policies, with the standards and guidelines in this document, and with approved planning documents.

Reports, studies and other narratives, documented maps, drawings, photographs, and museum records of park cultural resources shall be prepared with sufficient accuracy and coverage, with as many pages as necessary, to meet relevant planning and management needs.

Interpretation of cultural resources shall be accurate, relevant to their significance in relation to park themes, and consistent with the preservation of their integrity. See NPS-6.

STANDARDS FOR ACQUISITION OF LAND CONTAINING CULTURAL RESOURCES

Preservation of significant cultural resources associated with the principal purposes of a park is to be a prime consideration in determining the extent and nature of property rights to be acquired. Property containing cultural resources will be acquired in fee simple only when NPS ownership is required to ensure preservation of those cultural resources; the purchase of less-than-fee interests, such as scenic or restrictive easements, should be undertaken when such limited interest can achieve the preservation objective.

Every reasonable effort is to be made to control enough property to protect the significant cultural resources located on it.

See chapter 5.

STANDARDS FOR PROTECTING CULTURAL RESOURCES

Each park must inventory and evaluate known and potential threats to the long term preservation of its cultural resources. This evaluated inventory must be included in the park's cultural resources management program (see chapter 3).

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Park management will safeguard the physical condition or environment of archeological sites and features, historic structures and museum objects.

Significant cultural resources that will be (or are being) adversely affected by managerial actions, visitor use, or natural causes will be salvaged, unless effective means can be implemented to preserve them in place.

Each park will assess the adequacy of its cultural resource information base and will show in its cultural resources management program the plan to correct deficiencies.

STANDARDS FOR HISTORIC AND PREHISTORIC STRUCTURES

General Treatment and Use

Every reasonable effort will be made to use a historic structure for one or more of its historically intended purposes or to provide adaptive and compatible uses that require minimal alterations to the structure and its environment. Adaptive use of prehistoric structures is prohibited.

The uses of each structure must be regulated to minimize both immediate and long range damage to the structure, its environment, and its historic contents.

The distinguishing qualities or character of a structure and its environment must not be destroyed. Historic material or distinctive architectural features are not to be altered or removed.

All structures will be recognized as products of their own time. Alterations that have no historical basis are prohibited.

Changes that may have taken place in the course of time are evidence of the history and development of a structure and its environment. If these changes have significance in their own right, that significance should be recognized and respected.

Distinctive stylistic features or examples of skilled craftsmanship which characterize a structure are to be treated with sensitivity and preserved.

Deteriorated architectural features will be repaired rather than replaced wherever possible. If replacement is necessary, the new material should match the old in composition, design, color, texture, and other visual qualities such as weathering characteristics. Repair or replacement of missing architectural features will be based on accurate duplications rather than on conjectural designs or the availability of different architectural elements from other structures.

New or replacement fabric will be identified or permanently marked in an unobtrusive manner to distinguish it from original fabric. The manner of identification and location of marks shall be recorded in park files and the HSPG.

Structure surfaces must be cleaned by the gentlest means possible and only when required for preservation. Cleaning methods that will damage the historic materials or accelerate deterioration are prohibited.

All treatment work that may affect surface or subsurface archeological resources must be evaluated by an archeologist. Conversely, all proposed ground-disturbing activity, including archeological work, near a structure must be evaluated by a historical architect to assess possible impacts on the structure.

Contemporary design for alterations and additions to existing structures is acceptable when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the structure and its neighborhood or environment.

New additions or alterations may not impair a building's essential form, integrity, and structural system.

Preservation or stabilization work on ruined historic or prehistoric structures will be preceded by an appropriate level of archeological investigation or archeological salvage, provided the regional archeologist has determined there are significant archeological data that will be adversely affected by the proposed work.

Planning, Programming, and Implementation

Appropriate structures are to be included in the List of Classified Structures (LCS).

A historic structure report (HSR) and/or historic structure preservation guide (HSPG) are to be prepared for each structure by appropriate cultural resources specialists.

Architectural and archeological investigations supporting historic structure reports are to have the least possible impact on the properties being studied. All such investigations must be described in a task directive, including an impact analysis and justification. Such investigations of properties listed on or eligible for listing on the National Register of Historic Places are subject to compliance with section 106 of the National Historic Preservation Act (amended 1980) prior to initiation.

Pending ultimate treatment, the structure, its environment, and all related physical evidence are to be maintained and protected.

A proposed treatment project on a historic or prehistoric structure must be initiated by the appropriate programming document and must include the scope of work and cost estimates from either the historic structure report (HSR) or the historic structure preservation guide (HSPG). Such projects include preservation maintenance as well as ultimate treatment. No treatment may be undertaken without an approved HSR or HSPG documenting the work or, in the case of emergency stabilization and preservation maintenance, that is approved by the regional director on recommendation of the regional historical architect and archeologist.

All proposed projects must be reviewed by the appropriate regional cultural resources specialists and other professionals (such as structural and civil engineers, soils scientists, and geotechnical specialists) before implementation.

All fabric-related projects are to be directed by the appropriate cultural resources specialist(s) trained and experienced in the analysis of structures and fabric-related treatments and carried out by qualified technicians.

Artifacts, documents, or any material (e.g., old newspapers, calendars, etc.) found in structures will be examined and evaluated by a curator to preserve both textual and contextual data and to determine whether they fall within the scope of collections for that park.

Preservation Maintenance

Structures should be maintained by qualified technicians in accordance with an approved historic structure preservation guide or cultural resources preservation guide. If such guides are nonexistent or incomplete, a historical architect will provide technical supervision (after coordination with an archeologist and curator, as needed) and a preservation guide should be prepared.

All elements of structures must be inspected on a predetermined schedule, and reports of their condition must be prepared for necessary action.

All work involving modification or replacement of fabric shall be preceded by recording and study adequate to ensure that inherent research and interpretive values are not lost and the new work is correct.

All work must retain the maximum feasible amount of original fabric. When fabric has deteriorated beyond repair, replacement work must match related historic fabric and must be identified or permanently marked in an inobtrusive manner to distinguish it from the original fabric. The manner of identification and location of marks must be recorded in park files and the historic structures preservaton guide (see chapter 5)

Stabilization

Stabilization reestablishes the structural stability of a structure by reinforcing load-bearing members or by arresting material deterioration leading to structural failure. Stabilization also reestablishes weather-resistant conditions for a structure.

Whenever possible, stabilization work is to be done with materials and techniques closely approximating the original. Modern materials and methods may be used if appropriate.

Intact original fabric (e.g., painted plaster, decorated stone, wood material) may be removed from the structure in the course of stabilization only for the purposes of study or protection.

The pre- and post-stabilization appearance of the structure, as well as any features temporarily uncovered during stabilization, shall be thoroughly documented and recorded by appropriate methods.

Preservation

Preservation maintains the existing form, integrity, and materials of a structure. Substantial reconstruction, restoration of lost features, or removal of accretions are not to be included in a preservation undertaking.

Preservation includes techniques of arresting or retarding structural deterioration through a program of ongoing maintenance.

Restoration

Restoration may take place only when such work is essential for public understanding and appreciation of the historical or cultural associations of the park and when adequate interpretation cannot be imparted through any other means. (See "Management Policies," chapter 5).

Archeological, historical, and architectural data shall be sufficient to permit an accurate restoration with a minimum of conjecture.

Every restoration shall be preceded by a detailed historic structure report containing study and documentation of the structure. Any changes made during restoration shall be carefully documented.

Historic fabric shall be safeguarded during and after restoration.

Important structural and architectural features, samples of historic paint, mortar, plaster, and other elements of the structure removed during research and restoration and important to a technical understanding of the structure shall be properly accessioned and preserved.

Reinforcement required for structural stability or the installation of protective or required environmental support systems (HVAC, electrical, security, fire protection, etc.) shall be installed at time of restoration and concealed so as to not intrude or detract from the property's aesthetic and historic qualities, except where concealment would result in the alteration or destruction of historically significant materials or spaces.

See chapter 3 regarding protective systems.

Reconstruction

The Service does not endorse, support, or encourage the reconstruction of historic or prehistoric structures. In those limited circumstances when reconstruction will be considered, the following standards shall apply:

> All proposed reconstruction projects shall receive formal approval from the director.
>
> Partial or full reconstruction of a structure shall be considered only in the absence of any surface or subsurface structural remains, unless the reconstruction can take place without destruction of those remains. The reconstructed structure must be full scale and on the original site.
>
> Reconstructions shall be undertaken only if such work is absolutely essential for public understanding and only if the subject structure is associated with a site's primary theme. In addition, all prudent and feasible alternatives to reconstruction must be considered and it must be demonstrated that reconstruction is the only alternative that permits an appreciation of the historical or cultural association for which the park was established.
>
> Archeological, historical, and architectural data must be sufficient to permit an accurate reproduction of both the mass and detail of a structure with a minimum of conjecture. Archeological work must include sufficient field investigation followed by detailed analysis and report preparation.
>
> The reproduction of missing elements made with new, similar, or substitute materials must duplicate the composition, design, color, texture, and other visual qualities of the missing architectural features. Their design is to be substantiated by historical, physical, or pictorial evidence rather than based on conjectural designs or the availability of different architectural features from other structures.
>
> Reconstruction of structures to simulate ruined structures is not permitted. Reconstruction of prehistoric structures is not permitted.

Working Drawings and Specifications for Historic Structures Treatment

In addition to meeting other applicable standards, working drawings and specifications for treating historic structures should

be prepared under the direction of a historical architect

record conditions existing prior to treatment

document all proposed changes to the structure

specify materials, craftmanship, and design compatible with extant fabric

provide for the recording, recovery and disposition of architectural and other objects and data

prescribe retention of samples of significant extant fabric in situ and permanent identification of new fabric

provide for protection of all cultural resources, including grounds and historic scene, during construction

provide for changes resulting from unforeseen structural problems or the discovery of new evidence, to be reflected in an addendum to the original documents

specify the qualifications of contractors and craftspersons when special skills are required prescribe installation of adequate fire detection and suppression systems, and security systems, when justified; they should be sensitively designed and installed for minimal physical and visual intrusiveness

provide heating, ventilating, and systems for humidity and temperature control when required for the preservation of the historic structure and/or its contents; such systems shall be sensitively designed and installed for minimal physical and visual intrusiveness

ensure that modern utilities and structural reinforcements do not negatively impact the historic fabric or intrude on the historic scene

identify locations of known or probable archeological sensitivity or other resources to avoid by use of graphic symbols or legend

provide for a detailed photographic and/or graphic record of the work

STANDARDS FOR HISTORICAL NAUTICAL VESSELS

All preceding and general historic structure standards apply, plus the following additional standards are to be met:

Each vessel needs a designation statement showing ownership and authority for expenditure of funds for operation and maintenance. The statement must show any associated legislative authorities. If a vessel has been acquired or operated without specific legislative authority, the statement must recount the planning process calling for acquisition of the vessel, including long-term program requirements and the director's specific authorization for its acquisition, operation, and maintenance.

Preservation and emergency treatment of the hull, superstructure, rigging, and fixed or movable machinery and of fixtures and equipment associated with the operation of the vessel will be carried out at properly equipped yards and docks.

A mooring plan that defines action for normal usage and storm conditions must be prepared. Moorage and docking facilities should be designed and located to prevent sudden damage or long-term deterioration of the vessel or historic berth structures through abrasion, electrolysis, impacts, strain, or storm forces.

Each vessel is to be inspected on a cycle sufficient to assure its floating integrity; each time a ship is in drydock, a marine board of survey report is to be made to document the vessel's current conditon. An emergency plan shall be written, describing how to keep a vessel afloat or remove it from the water; it should include the preferred actions and describe the necessary equipment and personnel. Where park personnel and equipment are not adequate for carrying out the emergency actions, standing contracts to perform the emergency necessary work are to be in force.

All operating vessels are to have an annual US Coast Guard inspection; correction of any deficiencies must be made prior to further use.

Vessels removed from the water for permanent or temporary periods are to be blocked and secured in such a manner to prevent any long or short term damage to the fabric or the structure of the vessel.

STANDARDS FOR HISTORIC FURNISHINGS

The perpetuation or re-creation of historic furnished interior spaces is to be governed by the standards of appropriateness and integrity that apply to the treatment of historic structures themselves. Refurnishing is the preferred interior treatment only when it can be accomplished with minimal conjecture and when it contributes significantly to visitor understanding of a primary park theme. The following specific criteria apply:

When the historic furnishings of a structure are present in their historic arrangement, no substitutions or rearrangement shall occur unless required for their preservation and prescribed in an approved furnishing report.

When the historic furnishings of a structure are not present but are available for acquisition, they should be acquired for refurnishing if (a) sufficient evidence of their historic placement exists to permit refurnishing with a reasonable degree of locational accuracy; and (b) the structure is significantly related to a primary park theme and an approved planning document demonstrates that furnishing is the best way to communicate that relationship to the public.

When all or most of the historic furnishings of a structure are missing, the structure may be refurnished (in whole or part) if (a) an approved planning document demonstrates that furnishing is essential to communicate that relationship to the public; (b) evidence of the design and placement of the historic furnishings is sufficient to permit accurate refurnishing with minimal conjecture; (c) period pieces or reproductions comparable to the historic furnishings may be obtained for most major pieces; and (d) the structure is significantly related to a primary park theme. (See also chapter 3, appendix G, and "Management Policies," chapter 5, pp. 21-22a.)

STANDARDS FOR MANAGING MUSEUM OBJECTS

The standards and procedures for management of collections are described in detail in the NPS "Museum Handbook" and its supplement, the Manual for Museums. The following standards are broader in scope and cover general objectives and procedures in the management of museums and collections.

These standards cover collections located in parks, archeological centers, preservation centers, DSC and other NPS organizational units.

A scope of collections statement must be prepared for each unit of the National Park System, whether or not there is a museum collection. The statement defines the needs and limits of the park collection, and after approval by the regional director, it serves as a guide for an active program of acquisition, care, interpretation, research, and disposition, as described in chapter 3. In the case of no collection, it delineates the reason there is none.

Collection management and maintenance requirements shall be recorded in a collection preservation guide for the park, as described in chapter 3 and appendix D.

Every object in the park museum collection must be accessioned, cataloged, and numbered in accordance with the NPS "Museum Handbook." Accession files and catalog records are to be stored in fire-resistant containers or vaults and kept in a physically secure area.

In addition, as an integral part of an archeological project, objects recovered shall be (1) field catalogued by provenience; (2) cleaned and stabilized, and receive initial conservation treatment under the supervision of the appropriate cultural resources specialist(s); and (3) accessioned and catalogued in accordance with the NPS "Museum Handbook" requirements for archeological collections. Costs for the above work shall be borne by the archeological project generating the artifacts. All field catalogs, field notes, maps, drawings, photographs, remote sensed data, computer programs and data, etc., associated with the collections from an archeological project shall be included in the accession file as part of the permanent museum records.

Insofar as possible, each object in the park museum collection is to be authoritatively identified and documented in the museum records system. Documents and other information pertaining to how an object was used, who owned it, and the circumstances surrounding its acquisition are to be included in the accession file, a part of the permanent museum records.

All objects in the museum collection having a current value of $100 or more are to be inventoried annually. This inventory is also to include other objects, regardless of their monetary value, that have special significance, have desirability to collectors, or have a high potential for being stolen.

Every object in the museum collection is to be exhibited and stored under environmental conditions that minimize deterioration as much as possible. The damaging effects of light, dust, air pollution, temperature, relative humidity, insects, rodents, and fungus must be eliminated or minimized. The types of environmental controls or other measures that may be required will depend upon the nature of the objects in the collection. All archeological collections will be maintained under minimum defined standards, with the recognition that some items may need higher levels of care. Security and fire protection systems appropriate to the risks involved and to the nature of the objects making up the collection are to be installed (see chapter 5).

Ideally, the museum collection is to be used in a beneficial but nonconsumptive manner. The uses of park museum objects and collections for research and exhibits are examples of such desirable uses. Any proposed consumptive use of museum objects shall be reviewed by the regional cultural resources specialists and, when appropriate, by natural resources specialists, as outlined in NPS-6, the "Guideline for Interpretation."

Accessions of archeological materials will not be broken up; all materials from the same accession shall be kept at the same repository (except that objects may be loaned for study or exhibition or kept elsewhere if required for security or fiscal control).

The park interpretive program is to help foster visitor appreciation of the values of objects and of policies and procedures for their management.

Objects determined to be outside the scope of the park's collection or otherwise surplus to the collection should be deaccessioned according to the procedures outlined in the NPS "Museum Handbook". Systematic archeological collections from NPS areas cannot be deaccessioned or culled. It is recommended that archeological collections be retained in archeological centers and/or appropriate repositories.

STANDARDS FOR LIBRARY AND ARCHIVAL MATERIALS

Specific standards and guidelines for the care of libraries and archives have not been developed. Until guidelines have been developed, historic documents and other archival materials and library materials will be maintained in accordance with the standards and guidelines for museum objects.

STANDARDS FOR MANAGING THE CULTURAL LANDSCAPE

(This section is reserved for material to be published later.)

STANDARDS FOR MANAGING SOCIOCULTURAL RESOURCES

A thorough anthropological, enthnohistoric, and ethnographic data base documenting traditional uses, settlement localities, and functional and sacred sites should be acquired.

Properly selected, sensitized, and trained people will work with local groups.

Local people are to be integrated in the park operation to provide daily cross-cultural contacts.

A local traditional use/resource management program shall be developed by NPS and local representatives, if appropriate.

Cooperative management agreements protecting traditional uses and activities shall be ratified by NPS cultural and natural resources specialists, local residents, and interested third parties.

An overall sociocultural resources management program should cover functional and consumptive relationships between local residents and their cultural environment and also try to protect such intangible values as sacred, historical, and ancestral sites and environs.

STANDARDS FOR RESEARCH PROJECTS

> Service research on cultural resources within the National Park System shall be mission-oriented, supporting their preservation, development, interpretation, and management.--NPS "Management Policies."

General

The scope of research shall be defined in the task directive and designed to provide sufficient and necessary information.

Research is to be conducted by appropriate cultural resources specialists. Researchers familiar with the relevant field of study and who are likely to be assigned the specific study should participate in or be consulted on in the preparation of the task directive.

Research reports must include information, analysis, and conclusions directly applicable to planning, resource management, resource preservation, resource protection, or interpretive needs. These needs must be clearly defined in the task directive initiating a project.

Level of detail should conform to the scope expressed in the task directive. In general, the research will correspond in detail and scope to the nature and significance of the resources covered and the extent to which they may be affected by proposed plans or actions.

Research will be pursued in a manner that reflects awareness, sensitivity, and concern for the traditions, cultural values, or religious beliefs of Americans who have ancestral ties to park lands and resources. Sociocultural research projects are to be conducted by cultural resources specialists using the knowledge and advice of local residents.

Research data and conclusions are to be presented as concisely as possible while answering management needs. Only information within the scope of the task directive is to be included. Information serving other park purposes that may be discovered in the course of the research and that is not readily available to the park is to be be presented separately or referenced for future retrieval, depending on its quantity and the research time available.

Information is to be presented in whatever standard format makes it most readily retrievable by its primary intended users. It is to be retained for reference in historical files.

Research products are to be submitted in draft form for peer review and comment by the client park, regional office, and Washington office. Approval rests with the regional director.

Formal reports in the field of history and historic architecture must conform in punctuation, footnote and bibliographic form, and other stylistic matters to the latest edition of the University of Chicago's *A Manual of Style*. Formal reports in archeology shall conform to the standards on style prescribed by the Society for American Archaeology or the American Anthropological Association.

Editors shall confer with authors during the editorial process. The author is to approve the final edited manuscript before reproduction.

Final research reports shall be reproduced in a timely manner, preferably within six months, but no later than one year after the manuscript is submitted for editing. Research reports shall be reproduced completely, including footnotes, bibliography, appendixes, and other components.

Research reports will be distributed as described in appendix J.

Levels of Investigation

Exhaustive investigation of structures, sites, or scenes through archeological, historical, or architectural means are to be conducted only when absolutely necessary to meet management needs for interpretation, restoration, reconstruction, or acquisition of scientific information. Such investigations should uncover all available details for the specific need.

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Thorough but basically nondestructive investigations of structures, sites, or scenes will use all available technical and scientific means for the purpose of preservation. Such investigations do not envision retrieval of all details.

Limited investigation of structures, sites, or scenes is to be conducted to learn about a particular feature. Such investigation is usually nondestructive in its approach.

No investigation which would result in a structure, site, or scene being left susceptible to deterioration or in advancing the existing deteriorative processes is allowed.

Reports prepared to describe the limited and thorough levels of investigation should be organized so that they can be expanded into or included in reports of a higher level.

Testing of Preservation Materials and Techniques

Proposals for testing or development of new materials and new techniques applicable to the maintenance, preservation, restoration, or other treatment of cultural resources (sites, structures, objects) are to be submitted to the associate director for cultural resources management, for approval in order to eliminate duplication of previous work, to coordinate testing undertaken by the various NPS offices and under contract, to disseminate information, and to control the use of materials.

Proposals for testing must identify the problems to be solved, include estimated costs, identify the proposed researcher or organization, provide estimated time for completion, and describe the nature of research report that will be prepared. Proposals for studies with servicewide applications should be submitted on a form 10-238; proposals related to a limited study or for an ongoing preservation or restoration project should refer to the form 10-238 and task directive for that project.

The Washington office will then review the need for the proposed program, and decide whether it is sound and the benefits justify proceeding. If approved, the program will be set in priority in relation to other proposals and the work will be coordinated with other Park Service areas having similar needs (thus providing maximum cost effectiveness).

All completed studies shall be forwarded to the associate director for cultural resources management who will facilitate professional peer review, publication, and distribution.

Previously approved or standardized tests of preservation materials and techniques such as structural analysis, paint and mortar tests, and standardized tests for object preservation treatments are not covered by these standards.

STANDARDS FOR ARCHEOLOGICAL RESEARCH

Archeological field inventory and evaluation techniques must have the least possible impact on the resource. Nondestructive techniques shall be used wherever feasible.

Any NPS proposal for research involving excavating or collecting in parks must

> be based on or consistent with an approved resources management document
>
> be based on a research design that closely defines the scope of the research, theoretical rationale, and its methodological approaches
>
> establish that the research is essential to the acquisition of data needed by management, or to visitor understanding of the purpose for which the park was established, or to the preservation of in situ remains, or to recover data that otherwise would be unavoidably lost
>
> establish that the purpose of the work proposed can be substantially met only by archeological work at the site(s) proposed
>
> provide for appropriate recording of data, analysis of artifactual material, synthesis of data, dissemination of results, and preservation of cultural resources affected, including recovered artifacts
>
> document compliance with the National Historic Preservation Act (NHPA) and the National Environmental Policy Act (NEPA), as appropriate, and identify any conditions or stipulations agreed to as part of the compliance agreement

Non-NPS proposals for archeological research involving excavating or collecting in parks must

> be consistent with an approved cultural resources management plan
>
> provide a research design that closely defines the scope of the research, its theoretical rationale, and its methedological approach
>
> establish that the research is essential to the acquisition of data directly related to current significant anthropological or historical concerns that cannot reasonably be accomplished by investigation of archeological resources outside the park
>
> establish that sufficient institutional commitment and capacity exist to fully recover, analyze, synthesize, and publish the results of the work; meet curatorial responsibilities; provide for appropriate preservation of in situ remains; and ensure the return of artifacts and records to the Service upon request

establish that the principal investigator has a serious, long-term commitment to the archeological resources proposed for the study

Provide sufficient data to permit the Service to comply with NHPA, section 106; NEPA, section 102; and to determine the principal investigator and the proposal meet ARPA, 1979, as appropriate.

Archeological resources data will be maintained in an effective data base management system that is protected from public disclosure of location information under section 9, PL 96-95, The Archeological Resources Protection Act of 1979, and section 304, PL 96-515, NHPA (amended 1980).

Archeological resources data will be integrated with natural resources data. Archeological research will include research necessary to draw scientifically valid conclusions on the environmental conditions and the physical settings of the past associated with the area and period of history or prehistory under study.

STANDARDS FOR MANAGING ARCHEOLOGICAL SITES

All archeological resources within park areas should be treated with utmost care and concern. It must be remembered that these are irreplaceable resources which cannot be duplicated elsewhere, and that the park is a sanctuary for the protection of these archeological sites. Similar sites outside of Service areas have already been or are rapidly being destroyed. Consequently, the NPS sites become more important to our understanding of the prehistory of North America. These sites should not be sacrificed to development, and scientific evaluation must be carefully planned. Any proposed work on an archeological site must be initiated by the appropriate planning and programming documents and follow standards for archeological research and anthropological studies.

All archeological sites within National Park Service areas should be documented with adequate site survey records, map locations, photo records, and artifact catalogs. For each park, a cultural sites inventory should be compiled and maintained. Those archeological sites considered significant should be included on the National Register.

Investigations to evaluate archeological sites for scientific or National Register significance should have the least possible impact upon the site. The standards for archeological research (chapter 2) must be followed. Testing should be limited to determination of contextual, spatial and temporal extent of the site. Such investigations of properties eligible for or listed on the National Register of Historic Places are subject to compliance with section 106 of the National Historic Preservation Act (amended 1980) prior to evaluation.

All such projects must be reviewed by the appropriate cultural resources specialists before programs are implemented. Projects are to be directed by qualified archeologists and carried out by qualified field and laboratory personnel. All artifacts, documents, records, maps, photographs, and materials recovered from excavation will be curated and preserved. Formal reports will be prepared for work on all archeological sites.

STANDARDS FOR PERSONAL CONDUCT

Introduction and purposes

Codes of ethics and standards for the personal conduct of cultural resources specialists are designed

to provide a standard by which personal and institutional ethical standards can be measured

to identify, for the academic world, those NPS employees who are engaged in cultural resource disciplines

to provide help and guidance to members of each specialty in avoiding situations or actions that might be regarded as unethical

to encourage the development and continuance of a high quality of ethics within the Service

to provide guidance on ethical behavior to new employees

to guide conscientious individuals faced with personal or institutional problems, such as conflicts of interest

to guide supervisors faced with unconscientious individuals

to protect both the employee and the Service from being criticized for lack of ethics

to clarify ethical responsibilities to the Service and the Service's responsibilities to its specialists and to the disciplines they represent

The Department of the Interior "Regulations for Employee Responsibility and Conduct" (43 CFR 20.735-1(f) printed in 41 FR 248, page 56102) allows the development or adoption of codes of conduct " for specific groups of employees engaged in the same occupation or profession." Codes may be adopted if already "established by the profession in which the employee is engaged." Park Service object conservators already adhere to the "Code of Ethics and Standards of Practice" of the American Institute for Conservation. However, no other cultural resources management discipline has formally adopted a code or standard of an outside professional organization.

Until such time as a single code of ethics is developed for all Park Service cultural resource specialists or separate codes are developed or adopted for each discipline, the guidelines given below shall apply.

General Guidelines

The Department of the Interior's regulations (cited above) will be complied with, especially the following paragraphs:

20.735-1 (b) and (c): General Policies
20.735-15: Financial Interests
20.735-16: Outside Work and Interests
20.735-32: Gifts, Entertainment, and Favors, especially
    (a)(2) and (a)(3)
20.735-33: Teaching, Lecturing, and Writing

Employees who are members of professional organizations having codes of ethics or standards of conduct will be bound by those codes and standards. Each employee who is so bound is obliged to bring the existence of his organization's code or standard to the attention of his supervisor. However, when the code or standard of an employee's professional organization conflicts with any federal, departmental, or agency law, regulation, policy, or guideline, the conflict must be resolved in favor of the law, regulation, policy, or guideline.

Specific Guidelines

The following guidelines are derived from long-standing policies and are presented here primarily as reminders. These guidelines should not be construed as formally approved codes or standards because they have not yet been reviewed or approved by the secretary of the interior, as provided for in 43 CFR 20.735-1(f).

Dealing in Antiquities: The buying or selling of objects that may have been illicitly removed from federal lands in violation of the Antiquities Act of 1906 and subsequent legislation shall not be practiced by any NPS employee. This prohibition shall apply both to the employee as an individual and to the employee as a representative of the Service. Actions that might encourage destructive taking (i.e., pothunting) of antiquities or objects sacred to Native American groups also are prohibited.

Appraisals: Park Service employees may appraise government-owned objects and collections. Such appraisals must be honest evaluations and must be well-documented. Park Service employees will not appraise objects that have been offered for loan, donation, or purchase to the Service as such appraisals would constitute a conflict of interest. Park Service employees will not appraise objects for individuals under any circumstances but may suggest names and addresses of competent professional appraisers. It should be noted that appraisals usually are sought for purposes of claiming an income tax deduction; the Internal Revenue Service usually disallows appraisals made by the individual or institution receiving donated property; thus, the burden is on the donor to select and pay for appraisals on donated property.

Use of Collections: Objects, artifacts, specimens, etc., from park collections shall not be used for any personal reason and shall not be borrowed for use in an employee's home. Professional use, such as display and research, of human remains and Native American sacred objects shall be carried out with respect and dignity and in a manner acceptable to the individuals or groups to whom such objects are significant.

Field Study and Collecting: Any field research program dealing with historic, prehistoric, or archeological materials must be preceded by a complete proposal to determine (1) that the proposed program is legal; (2) that persons who should be appropriately concerned know and approve of the program and will collaborate if necessary; (3) that the program is for scholarly or educational purposes; and (4) that objects collected will be appropriately used and cared for. On completion of field work, full and prompt reporting of the results of the work will be made to all appropriate parties; all precatory and mandatory agreements must be fulfilled or the failure to do so fully explained; and all materials and data collected must be made available to the scholarly community as soon as possible. Objects incorporated into permanent NPS collections should be treated in a manner consistent with recommendations and restrictions developed for their care and use by curators or scholars. Service employees shall avoid even the appearance of engaging in clandestine activities, such as participating in private archeological excavations or collecting for personal purposes without recognized scientific or educational purposes or without any form of institutional support. All materials collected or acquired by Service employees during personal research shall be deposited in a Service or other museum.

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STANDARDS FOR HISTORICAL ARCHEOLOGICAL RESOURCES

(This section is reserved for material to be published later.)

PLANS, REPORTS, STUDIES, LISTS, AND OTHER DOCUMENTS

INTRODUCTION

Management of cultural resources is treated in numerous documents within the NPS system. Each of these is briefly described below, accompanied when appropriate by reference to another document or to an appendix to this guideline that describes how to prepare it.

These documents fall into three main categories: first come the lists or inventories that serve as record-keeping and assessment tools; second are the plans that make up the general NPS planning process; and third are those plans, studies, or guides that deal exclusively with management of cultural resources in the parks.

Distribution of and accessibility to these reports is described in appendix J.

All documents must comply with NPS management policies, the standards in chapter 2, departmental regulations, and applicable legislation and executive orders (see chapter 6).

SERVICEWIDE LISTS, CATALOGS, AND REGISTERS

The following lists are used as management and reference documents

List of Classified Structures (LCS)

The LCS is an inventory of all above-grade historic and prehistoric structures that have archeological, historical, architectural/engineering, or cultural value and in which the Service has or will acquire any legal intersts. The list is maintained in the Washington Office; it serves to assist park managers in planning and programming appropriate treatment and in recording decisions regarding listed structures. The LCS

> includes all historic and prehistoric structures in the System determined to be of cultural value; this includes structures which are elements of historic districts or the historic scene or which significantly contribute to a cultural landscape. The structures on the LCS do not have to meet National Register criteria;
>
> contains a unique reference number and a name for all listed structures, and identifies all listed structures by period, type, and composition
>
> records the National Register status of each structure, i.e., entered, determined eligible, determined ineligible, undetermined
>
> records the current primary interior use of the structure

records the management category assigned all listed structures and a proposed treatment consistent with the "Management Policies"; the treatment shall be revised when necessary to reflect final decisions made during the planning process

records the legal interest and treatment responsibility of the Service

records estimated costs for approved ultimate treatment and for stabilization; costs shall be revised when necessary to reflect planned treatment revisions, changed structural conditions, or completion of treatment

lists structures missed in previous surveys or those in new areas after review by the appropriate cultural resources specialists. This shall be done by the submission of a field inventory report form with a 4-inch by 5-inch black and white photograph to the associate director for cultural resources management, Washington

continues to list those structures that will be allowed to remain and deteriorate naturally

continues to list those structures that have been removed with type and date of action; however, they shall be removed from the National Register

deletes structures determined to be devoid of cultural value by the appropriate regional cultural resources specialists; this shall be done by the submission of supporting documentation to the associate director for cultural resources management, Washington

maintains records of structures evaluated and found ineligible for the LCS

Instructions for preparing an LCS field inventory report are in appendix H.

Cultural Sites Inventory

The purpose of the cultural sites inventory is to document the location, description, significance, threats, and management requirements for archeological resources in the park. The information resulting from the inventory is necessary for planning, interpretative, and management purposes, as decribed in the "Management Policies," which state that the

> Service will develop, gather, compile, store, analyze, update, and employ adequate natural, historic, social, econimic, and demographic data relevant to planning and management of each park. Such data will serve as an information base for formulating proposals and administrative decisions in planning for the achievement of park objectives. Information is required

> for the preparation of general management plans, environmental impact statements, and specific plans, for review of projects under section 106 of the National Historic Preservation Act and Executive Order 11593; and for development of various management actions. In the absence of adequate information for planning and management decisions, its acquisition becomes a prerequisite to action. (page II-1 & II-2)

The policies further provide that the

> cultural resources of every park shall be located, inventoried, and evaluated for significance in accordance with the requirements of Executive Order 11593. The resulting evaluative inventory will provide the substantive data needed to formulate historic preservation and resources management proposals; to guide planning, development, interpretation, and maintenance activities; and to comply with legal requirements. The cultural resources inventory is an essential part of the park's Information Base. As a basic resources management tool, it shall be periodically reviewed and updated in a progressive effort toward completion (page V-4)

The status of the cultural sites inventory and its deficiences should be briefly noted in a park's statement for management and an appropriate objective to correct the situation should be included.

The cultural resources management program overview and analysis section should comprehensively analyze and evaluate the adequacy of the cultural sites inventory and identify needs. The specific requirements for resources basic inventory studies needed to resolve significant inadequacies in the cultural sites inventory will be entered as project proposals in the cultural resources project statements section of the cultural resources management program; entered, as appropriate, on NPS Forms 10-237 or 10-238; and programmed for completion in accordance with the annual budget call.

The cultural sites inventory should contain, as a minimum, the following:

> archeological site inventory forms with machine copies of the original site forms and, if available, National Register of Historic Places nominations, attached
>
> archeological resource base inventory maps
>
> a bibliography of archeological surveys, studies and research completed for lands administered by the park
>
> related remote sensed data

a map(s) keyed to show (1) surveyed areas meeting contemporary standards; (2) surveyed areas not meeting contemporary standards; and (3) unsurveyed areas

a brief description of the National Register status of surveyed areas and an annually updated list of sites on the National Register

The original cultural sites inventory forms and maps and attached materials will be permanently maintained at archeological centers or regional offices. A copy(ies) will be provided to the park for its use.

National Catalog of Museum Objects

The National Catalog of Museum Objects is a centralized, ongoing inventory of all museum collections in the National Park Service. Under the National Historic Preservation Act (amended 1980) the Service is required to locate and inventory objects under its jurisdiction and nominate to the secretary of the interior those that appear to qualify for listing on the National Register of Historic Places. Nomination forms for sites and structures qualifying for listing on the National Register should include site-associated objects.

Each museum object in a park collection should be professionally cataloged using catalog cards (NPS form 10-254). The original card is submitted to the National Catalog Office in the Division of Museum Services, HFC, where it is filed in a central storage vault. Cards are filed and cross-filed according to park name, catalog number, and classification.

Copies of the cards are retained by the submitting parks for their internal reference and accountability purposes.

The staff of the National Catalog reviews submissions for compliance with standards in the NPS "Museum Handbook"; maintains the original catalog records; answers technical inquiries from field personnel about cataloging procedures; assists with training field personnel in how to catalog; and provides information retrieval services for those engaged in research, interpretation, or property accountability.

Cultural Resources Management Bibliography

The cultural resources management bibliography is an inventory of reports prepared by or for the Service that addresses park cultural resources. This bibliography is maintained in the Office of Cultural Resources Management, Washington.

The National Park System Plan (History and Prehistory)

To be suitable for inclusion in the System, an area should represent themes presently unrepresented or poorly represented

> in the System, or should transcend related units of the System in resource values or interpretive potential.
>
> NPS, "Management Policies"

The "History and Prehistory" portion of the National Park System Plan is a tool for employing this criterion of suitability in the consideration of proposed historical parklands.

The first section, "The Thematic Framework," sets forth the systematic structure within which existing parklands can be assessed for their representation of American history and prehistory and proposed areas can be judged for their potential contributions to a well-rounded and balanced system. The framework consists of nine broad themes, ranging from "The Original Inhabitants" to "Society and Social Conscience." They are subdivided into 43 subthemes, which are the basic topical and chronological categories that should be represented in the system. These are futher subdivided into 276 facets, generally chronological or georgraphical in nature.

In the second section, "Park Representation," all historical parks, historic resources at or near the level of national significance in other parks, and historical areas affiliated with the system are assigned to those themes, subthemes, and facets in which they are highly significant. From this presentation, the extent to which the American past is now represented by the system's parks and affiliated areas may be assessed and significant gaps in representation may be noted.

The third section, "Parks Significantly Associated with Ethnic and Racial Minorities and Women," is provided as a supplementary reference. In general, the history of such groups is treated in the various thematic categories in which they made important contributions.

The fourth section, "Thematic Representation Analysis," contains a summary analysis of each subtheme's representation within the system. The concern here is as much with quality as with quantity: not just how many parks represent a given subtheme, but how well they do so. Figuring in these analyses is the relative number and quality of National Historic Landmarks ouside the system in the various categories, as well as the degree to which particular subthemes lend themselves to representation by historical parks.

The final section, "National Historic Landmarks Outside the System by Facet," is a current thematic listing of those properties designated by the secretary of the interior as possessing national historical significance. This listing is provided as a reference for the preceding section and to identify those historic properties already determined to meet the primary criterion for inclusion in the system.

GENERAL PLANNING DOCUMENTS

The National Park Service planning process defines issues and develops solutions to management problems. It involves inventorying existing conditions, identifying problems and issues, determining objectives, developing alternative strategies for achieving those objectives, selecting the most practical and reasonable strategy, and establishing the steps necessary to implement it.

Each park currently has or must develop the following documents. Each one treats parkwide issues; cultural resources are always addressed, but the level of detail depends on the level of significance of those resources in that particular park and on the potential impacts of what is proposed.

Instructions for preparation of these plans are found in NPS-2.

Statement for Management

Each park must have an approved and current statement for management (SFM). Derived from the park's enabling legislation, it is a broad description of the park's condition and an analysis of its problems, including any that pertain to cultural resources. It provides a format for evaluating present conditions and identifying major issues and information voids.

The SFM states the desired future condition of cultural resources as management objectives. Because these future conditions are phrased as ends rather than means, the choice of action strategies or treatments to be implemented is not limited.

The SFM is the base for all actions which will directly or indirectly affect cultural resources. Thus, it is critical that cultural resource specialists participate in developing, reviewing, and revising SFMs.

Based on an approved SFM, the regional director or park superintendent can initiate or continue stabilization or preservation maintenance to prevent damage to or deterioration of historic sites, structures, and objects. Restoration, reconstruction, adaptation for other uses, or other major actions on cultural resources cannot be initiated until the park has an approved general managment plan to guide the actions.

The SFM is prepared by the park staff and updated annually. Because only preservation maintenance actions can be implemented under a SFM, the NPS has complied with section 106. (For greater detail, see chapter 6).

Outline of Park Requirements

An area's outline of park requirements (OPR) (formerly called outline of planning requirements) identifies plans and/or studies needed to address the issues in the SFM and to achieve its management objectives. Cultural resources are prioritized along with those from other subject areas, each accompanied by a description of the tasks necessary for completion and compliance. A cultural resources specialist must review an OPR to insure that cultural resources compliance actions are not overlooked and are scheduled appropriately to support other projects and plans. It is prepared in the park and updated annually; studies or plans must be on this list before funding is requested on a form 10-238.

The studies and surveys called for in an area's OPR are designed to fill information voids and where necessary to provide the data for developing a general management plan. At a minimum, the information base for general management planning must be adequate to

> summarize prehistoric, historic, and ethnic occupation of the park area
>
> summarize and assess past cultural research in the park area
>
> place the results of cultural and historic research in the context of the park's region
>
> identify, evaluate, and prioritize immediate cultural research needs (supporting preservation actons or independent of them)

All studies and surveys must serve the pragmatic needs of cultural resources preservation, management, and use. The scope and detail of cultural resources data collection should not exceed that needed for the planning effort at hand.

General Management Plan

A general management plan (GMP) is required for all units of the National Park System by policy and by the General Authorities Act. It provides the strategies for solving the issues and achieving the management objectives identified in the park's statement for management; it normally covers a 10-15 year period. Two types of strategies are presented in the GMP: those required to properly manage cultural and natural resources and those required to provide for appropriate visitor use and interpretation of the resources. Based on these strategies, the facilities necessary for efficient park operations and visitor use are identified. When significant cultural resources are present in a park, a cultural resource specialist should be a member of the core interdisciplinary planning team.

Each GMP is accompanied by an environmental document and subjected to public review. Both a proposal and alternatives to it must be included.

The cultural resources information and actions described in the combined document must be sufficient to evaluate impacts on qualities that qualify the cultural resources for the National Register.

Because GMP issues and objectives are usually complex and often competing, the various alternatives will necessarily emphasize the achievement of some cultural resources objectives at the expense of others. When the overall philosophy or approach of an alternative dictates that a given cultural resources goal cannot be met, or that there will be adverse impacts on cultural resouces, mitigation actions must be presented.

The strategies for treating cultural resources should be described in sufficient detail to direct subsequent planning and implement the desired actions. Where this cannot be done, the GMP should call for the preparation of the appropriate detailed implementing plans listed under "Cultural Resources-Specific Documents."

The existing conditions section of a GMP describing cultural resources should identify only those factors that provoke or constrain the major decisions of the plan. Other conditions may be addressed as necessary to provide an overview of the park or its cultural resources, but the detailed and analytic discussions of the environmental document should not be repeated in the GMP. The description of existing conditions must be factual and accurate, but it should not be written solely for an audience of scientific or professional peers. Professional information should be referenced or placed appropriately in an appendix.

To enable management to make informed, responsible resource management decisions and permit consultation and review with the Advisory Council and State Historic Preservation Officer, cultural resources actions proposed in the GMP and its alternatives must be based on a body of data that

> allows for a brief professional synthesis of cultural resources, periods of human occupation, and native cultural groups and folkways
>
> allows cultural resources to be assessed in the context of relevant time periods, past and present ecological and historic settings, and relationships to the surrounding region
>
> allows affected cultural resources to be placed in applicable sociocultural, archeological, anthropological, ethnographic, historical, and architectural themes
>
> permits current professional standards to be applied to the existing knowledge on cultural resources to identify deficiencies in the inventory, study, evaluation, treatment, and interpretation of affected resources so that specific actions can be made to correct the deficiencies
>
> identifies the existing human and natural impacts on cultural resources and provides a basis for estimating the potential consequences if the actions of the GMP or its alternatives are taken

For procedural details on the consultation and review process, see chapter 6, "Procedures for Developing and Revising Plans."

A reconnaissance or cultural resources overview may be needed to develop the task directive for the cultural resources data required for a GMP.

The GMP should contain a list of properties that are on or eligible for inclusion in the National Register and that could be affected by the actions of the GMP or its alternatives. This list can be placed in the text or an appendix, depending on length. Other material needed for informed decision making and proper review includes

> a cultural resources base map (or maps), using standard U.S. Geological Survey topographic maps or equivalent maps at a scale suitable for planning alternative actions, described in chapter 3, "Cultural Resources Base Map."
>
> an identification of cultural resources (sites, structures, and objects) potentially eligible for the National Register in the area affected by the GMP and its alternatives, and the documentation for those sites and properties already considered but found ineligible
>
> recommendations for the "Cultural Sites Inventory" and the "List of Classified Structures" along with any required data
>
> an annotated bibliography of primary and secondary sources bearing on the identification, management, and interpretation of cultural resources in the area affected by the GMP

Development/Study Package Proposal (10-238)

A development/study package proposal (form 10-238) is a justification, prioritization, and funding request for projects generated by an OPR or a GMP. To insure that critical compliance actions are funded along with a project, no 10-238 will be considered for funding if it does not give the project's status with respect to the laws and regulations described in chapter 6.

Instructions for preparation are in NPS-2; preparation is by the parks in consultation with appropriate cultural resources specialists. See chapter 5, "Programming and Budgeting Cultural Resources Treatment."

CULTURAL RESOURCES-SPECIFIC DOCUMENTS

The need for a cultural resources study should be identified by a park's OPR and its general management plan. Studies must be fully integrated into a park research program and described in its outline of park requirements or its cultural resources management program.

Cultural Resources Management Plan

For many parks, the cultural resource elements of the GMP form an adequate cultural resource managment plan for the area. Some parks, however, have cultural resources of great diversity and have such complex preservation and use needs that a separate detailed document, a cultural resources management plan, is needed to expand the strategies of the GMP and to ease its implementation. In other instances, a plan may be needed when new information or changing conditions cause the cultural resources sections of a GMP to be outdated but the rest of the GMP is adequate. The cultural resources management plan is thus a more detailed description of the strategies presented in the GMP and is required only in the two cases mentioned above. It is a long-term look, contrasted with the cultural resources management program, which is an annual working plan.

Cultural Resources Management Program

A cultural resources management program is an annual, park-prepared schedule of cultural resources management actions planned for the upcoming five years. It can be combined with a natural resources management program and is required for all areas. It outlines the measurable progress the park intends to make in solving its high-priority cultural resource management problems. Except in emergencies (such as to prevent the imminent loss or destruction of cultural resources), no significant actions are to be taken unless they are in this program.

This implementation program extracts, summarizes, and schedules information from other park planning documents. It draws a description of cultural resources problems, issues, and influences on management from the park's statement for management. It schedules the cultural resources studies, surveys, and plans that are called for in the park's outline of park requirements, 10-237s, and 238s. The actions in it implement the strategies of the general management plan, and (if applicable) the cultural resource management plan. Conversely, an established cultural resources management program can be used as direct input when developing a new statement for management, outline of park requirements, or general management plan. For parks without an approved GMP, the program can call only for research, emergency actions, and nondestructive surveys.

Instructions for preparation are in appendix A.

Cultural Resources Base Map

Cultural resources maps, including historical and archeological base maps, are basic documents for planning and design. They must show areas that have been surveyed and inventoried for cultural resources and locate all extant, and all no longer extant but relevant, cultural resources, and may be part of a documented resource map. (If distributing this information to the public would create a risk of destruction of harm to such resources, it may be withheld under section 2, the Improvement of Administration Act (PL 94-458).) They shall be of sufficient scale and accuracy to

locate past and present cultural resources

avoid these resources during planning and design

document compliance

Maps shall be kept current, and the results of each survey entered on them immediately.

U.S. Geological Survey topographic quad maps are required for National Register nominations and may be used for general reference.

Detailed planning (development concept plans, comprehensive designs) require rectified aerial maps at a scale no smaller than 1:6000.

Distribution of this data may be restricted if it is determined that such distribution may contribute to vandalism or loss of the resources (Improvement of Administration Act, section 2, PL 94-458).

Information on all resource maps will be appropriately documented listing the primary source on which the information is based.

Cultural Resources Maintenance Guides

Cultural Resources Preservation Guide. The cultural resources preservation guide (formerly entitled "historic resource management plan") is a set of specific, detailed guidelines for handling and preserving a park's cultural resources in the course of day-to-day operations. The CRPG is an outgrowth of the general management plan and of archeological, historic, architectural, and curatorial studies. It is prepared by appropriate specialists in collaboration with the park staff.

Instructions for preparation are in appendix B.

Historic Structure Preservation Guide. The historic structure preservation guide is a reference for park maintenance personnel for programming, continued housekeeping, and routine and cyclic preservation maintenance. It is usually prepared at the conclusion of treatment and is tailored to the individual needs of a historic or prehistoric structure(s) and the structure's historic furnishings.

The HSPG provides the information needed to ensure the orderly, timely, and proper inspection and maintenance of the structure and its furnishings. In addition, it provides a means for evaluating maintenance activities, for ascertaining their strengths and weaknesses, and for adopting appropriate corrective measures. It is the official document guiding all preservation maintenance activities. Any proposed action affecting fabric or historic appearance of cultural resources not covered by the guide must be submitted to the regional office for professional evaluation and certification.

A historic structure preservation guide has three basic sections: instructions, schedules, and reference materials. Specific guidance for preparation and format is contained in appendix C.

Collection Preservation Guide. The collection preservation guide offers park curatorial and maintenance personnel guidance for programming, housekeeping, and routine and cyclic maintenance of museum objects. The guide is normally prepared after a field evaluation and is tailored to the individual needs of a park's museum collection.

The collection preservation guide provides information needed to ensure the orderly, timely, and proper care of a park's museum collection. Topics can include the scope of collections statement, museum record-keeping, storage, exhibit environments, curatorial maintenance, conservation recommendations, security, and recommended staffing. Only topics relevant to the individual park are included. The guide also recommends standards by which the curatorial activities can be measured. In order to develop a useable plan, a staff curator, the regional curator, and park personnel must play an active part in its formation. In most cases the staff curator involved is from the Branch of Curatorial Service, Division of Museum Services; however, park or regional curators may be involved instead. One or more conservators from the Branch of Conservation Laboratories, Division of Museum Services, Harpers Ferry Center may also be actively involved.

Collection preservation guides are intended to be working documents. It is recognized that conditions may change or better methods and products may be developed. This guide represents the team's best advice to park management on how to care for an individual park museum collection.

Steps in obtaining a collection preservation guide and a description of the proper format are in appendix D. Also see chapter 4, "Treatment of Museum Objects," for further explanation of object preservation guidelines.

Regional and DSC organizations that physically control collections must also develop these guides.

Anthropological Field Studies

All anthropological field studies, whether surveys, excavations, ethnographic studies, or underwater investigations, will meet the following objectives, as appropriate:

> They shall contain a professionally adequate overview and research design and be approved by the regional director or designated representative.
>
> They shall be conducted according to Service management policies for anthropological/archeological research and to current applicable professional standards, using up-to-date theory, strategy, and techniques.
>
> They shall use interdisciplinary approaches (archeological, anthropological, historical, architectural, biological, geological) to obtain the maximum information concerning the resource.
>
> Nondestructive techniques will be used to the maximum extent consistent with the purpose of the study. Remote sensing techniques will be used whenever applicable.
>
> Sampling and data recovery techniques must be justified as appropriate to the resource and the purpose of the study.
>
> Full analysis of data and field observations are to be done in sufficient detail to satisfy the research design and to report significant unanticipated findings.
>
> Studies will result in a published report meeting Service and professional standards.
>
> Studies will include adequate provision for the documentation, cataloging, conservation, and storage of any objects, documents, records, photographs, negatives, and tapes collected or produced as a result of the study.
>
> All studies must receive approval of the cultural resources specialist responsible for the resources affected by the study.

The different types of anthropological field studies are described below.

Archeological Overview or Assessment. This is a comprehensive synthesis of data concerning the archeological resources of a park. It is used in professional evaluation of past work and is the first step in designing future research. An overview is done after deficiencies in the archeological information base necessary for management decision have been identified in the statement for management. This assessment must include sections describing the affected environment, the cultural history, ethnographic occupation, evaluation of past research, knowledge of archeological resources, a survey program, location of collections, relevant future research topics and possible methods, field records and archives usable for future research, and bibliographic references

be framed in a regional context, and may be a part of a multiagency regional planning endeavor

be sufficiently thorough to serve as a basis for evaluating the significance of resources within the park and for formulating research designs for excavation and survey

Archeological Clearance. An archeological clearance is a memorandum signed by a regional director that certifies that there are no archeological resources in a project's impact area or that a project will have no forseeable impacts upon archeological resources. It is usually based on a survey and evaluation of the project area and may contain stipulations to ensure that no impacts occur, such as observation of construction by an archeological monitor or restricting project staging areas to particular areas.

Archeological clearance is required for all projects that include ground-disturbing activities and thus might affect archeological resources. A project review by or in consultation with the regional archeologist is mandatory at the earliest practicable stage of planning or design. Based upon knowledge of regional history and prehistory, any prior cultural resource surveys of the area, land use, geomorphology, etc., the regional archeologist may determine that an archeological survey is required.

The goal of an archeological survey is to identify resources, to evaluate the significance of those resources, and to assess the potential of unobservable (e.g., buried) archeological resources in the project impact area. Such survey is typically a careful pedestrian inspection of the ground surface, but in all cases it represents the state of the art in archeological methodology. The archeological survey must be extensive enough to permit planning of alternatives. It must be thoroughly documented (fieldnotes, photographs, maps, etc.) so as to satisfy section 110, paragraph (a)(2) of the National Historic Preservation Act (amended 1980). A memorandum report by the investigating archeologist or a form may be used to document the survey. A sample survey form is included in appendix Q.

If the project or its location is changed, new review and archeological clearance are required.

If resources that appear to meet National Register criteria are located within the project impact area, or if the project is in an area listed on the National Register of Historic Places, an archeological clearance is conditioned upon completion of the actions required to comply with section 106 of the National Historic Preservation Act (amended 1980).

This includes completion to professional standards of the studies, documentation, and/or archeological salvage of affected resources or other stipulations resulting from the section 106 consultation.

All contracts for projects that include ground disturbing activities shall include a paragraph providing guidance to the contractor in the event that archeological resources are disturbed in the course of construction. See appendix I for additional guidance.

Sampling Survey. This is any field survey intended to obtain a representative sample of archeological resources. It must

follow a clearly stated and statistically justified sampling design

evaluate prehistoric and historic resources in the area

predict distribution and kinds of resources in unsurveyed areas

provide recommendations for further survey and for proposed studies, plans, and actions

clearly document areas examined and resources located by use of reports and maps

Complete Inventory. This records as many of the archeological resources in a specified area as possible. It must

locate as many archeological resources within the study area as possible using state of the art archeological procedures

provide accurate, professionally thorough, and detailed descriptions maps, and records of the resources located, all plotted on maps of a scale large enough to be useful to management and future researchers

include appropriate analysis of surface materials and subsurface testing to enable evaluation of resources and planning for further action

Archeological Excavation. This activity is intended to scientifically record the archeological materials from excavated portions of a site. An excavation must

be preceded by thorough surface evaluation, background research, and if appropriate, testing of the site

be designed to obtain the maximum amount of data with the least impact on the site, consistent with the purpose of research include and document comprehensive recovery and specialized analysis of the full range of data contained in the sites (palynological, soils, faunal remains, plant remains, datable materials, etc.)

result in a published scientific report, including description, analysis, interpretation, and synthesis, that meets the goals of the research design

Sociocultural Field Study. This type of study continuously monitors traditional use activities. A long-term understanding of subsistence dynamics is required to ensure that noncompatible developments and uses do not interfere with critical subsistence resources and uses. Such a study must

provide resource base information that will allow management decisions regarding the protection of the geological, zoological, and botanical resources traditionally harvested by American groups, including such things as lithic and clay resources

document variations in subsistence patterns

adhere to standards for ethnographic field studies and stress the participant-observer methodology

Sociocultural Program. Certain groups of people are permitted by law or constitutional right to pursue traditional use activities within units of the National Park System.

When such groups do or may have cultural interests in the lands and resources of a park that might be affected by management actions, a sociocultural program should be developed. This document should be part of the GMP when possible; it can be prepared separately when the issues are complex or require lengthy discussion, such as for the subsistence programs in the Alaska or Pacific parks.

The objective of the sociocultural program is to provide the opportunity for traditional use so that groups meeting the above criteria can perpetuate their cultural or ethnic identities if they so choose. It identifies the resources traditionally used by the groups, so that the Service can enter into cooperative agreements and adjust management policies, programs, and uses to allow these uses to continue, to the extent there is no degradation of the resource base or the purpose of the park.

Building upon a comprehensive cultural history, the program is to document the contemporary range, scope, periodicity, and types of sociocultural activities, including subsistence where appropriate. This information is gathered and mapped in cooperation with local cultural and natural resource specialists and members of the affected group. The data are to be evaluated in terms of locally perceived values for both functional use and religious use sites and zones. If applicable, the program is also to discuss and evaluate community organization, the nature of the contemporary economic system, and the shifting resource base and its ability to support sustained use.

The sociocultural program is to include

> an integration of natural resource management, interpretation and visitor use, general development, and operational factors of the park with the interests of local cultural groups which have legal rights to pursue traditional use activities
>
> historical and contemporary data base narratives and maps
>
> personnel management for sociocultural affairs, including cross-cultural training and orientation or staffing provisions
>
> subsistence resource management (if appropriate) including cross-cultural training and orientation or staffing provisions
>
> cooperative management agreements addressing both Service and local-resident needs relating to functional and religious uses of park continuous monitoring and research
>
> description of potential conflicts between traditional uses and management objectives

Historical Documents

Historic Resource Study. A historic resource study includes the collection, evaluation, and presentation of data and research findings concerning some or all of an area's historic resources (including structures, sites, objects, districts, complexes, and historic functions). It is mission-oriented and includes intensive research into the primary materials bearing on the resource. It can be done whenever necessary to manage the resources properly.

The HRS identifies and evaluates all historic resources, and applies the National Register criteria for evaluation (36 CFR 1202.6). It also supplies data for the completion of National Register nomination forms; for the Cultural Sites Inventory and the List of Classified Structures; for compliance with section 110, NHPA (amended 1980), for management; and for interpretation. A resource study can also make recommendations concerning the interpretation of the historic resources or develop the historical background and significance of resources not previously studied.

The subject matter and the level of investigation (including the scope of research) is determined by the park in consultation with cultural resources specialists, programmed through form 10-238, and described in a task directive. The study is usually prepared by a historian, who calls upon other cultural resource specialists and park staff (including certified maintenance technicians) as appropriate. All studies must be reviewed in draft by the regional cultural resources specialist concerned with the resources affected by the study, the park manager, and by the chief historian, Office of Cultural Resources Management, Washington. Approval rests with the regional director subject to the review and consideration of comments received.

Instructions for preparation are in appendix E.

Historic Structure Report. A historic structure report consists of the collection, presentation, and evaluation of anthropological/archeological, historical, and architectural/engineering research findings on a historic or prehistoric structure and its setting, along with the recommendation for treatment and use. Each HSR must include an administrative section, a physical history and analysis section, and an appendix. It is usually written and coordinated by historical architects and historians at the level necessary to determine and execute the recommended treatment, i.e., preservation, restoration, or reconstruction. It analyzes and records all periods of construction (not just "significant" periods), modification, source materials, building techniques, other evidence of its use, and its cultural and social setting and history. It can present alternatives for treatment based on fabric investigation. The report must be reviewed in draft by the park manager; the regional historical architect; and the chief historical architect, Office of Cultural Resources Management, Washington. Approval rests with the regional director subject to review and consideration of comments received.

Instructions for preparation are in appendix F.

Historic Furnishings Report. The historic furnishings report researches the historic appearance of furnishings and, when appropriate and justifiable, directs the accurate refurnishing of all or part of a historic or prehistoric structure to reflect the period or periods of historical significance. The need for the report must be identified in the park's general management and/or cultural resource management plans and in the interpretive plan, unless the report is designed to document, assess, and authenticate a structure's existing furnishings. The furnishings report is prepared by historians and curators in consultation with park and regional staff. It is approved by the regional director after review in draft by the park, centers, and the staff of the Office of Cultural Resources Management, Washington.

Each historic furnishings report must include an administrative data section and a historic data section. An implementation section will be included when, and only when, it has been determined that sufficient information exists to refurnish the structure with a minimum of conjecture ("Management Policies" chapter 5, pp. 21-22a). It combines the documents formerly known as furnishings studies and furnishings plans.

Instructions for preparation are in appendix G.

Historic Grounds Report. (This section is reserved for material to be published later.)

Park Administrative History. The park administrative history is a history of a park as an institutional entity; one should exist for each unit of the park system. Its purpose is to present the history of the park since the events commemorated by the park, and it should thus be updated periodically. It is usually prepared by the park staff, by Park Service historians, or by contractual arrangement.

The park administrative history should contain the following:

a brief discussion of the event, person, association, or values commemmorated by the park

a history of the site between those events and acquisition by the National Park Service, if appropriate. This would include an assessment of the ownership or management of the site by individuals, foundations, associations, states, or other federal bodies, along with a discussion of the impacts those entities had on the resources themselves.

a description and analysis of the origin, establishment, development, and administration of the park. This section should include a detailed discussion of the legislation establishing the park with reference to the various House and Senate committee bills. The origin and rationale for key management decisions should be thoroughly discussed and reference made to planning documents, historic resource studies, and other history research reports that resulted in major management decisions. Important management concerns such as impacts of local interest groups; preservation, restoration, reconstruction of structures; development of support facilities (visitor centers, roads, trails, etc.); major archeological excavations; major museum collections activities such as acquisitions, deaccessions, conservation work, and exhibitions; additions of land; and major personnel changes should be discussed. Information including, but not limited to, park legislation, monumentation, significant cooperative agreements, major research projects and publications, and lists of former superintendents should be appended.

The park administrative history must be reviewed in draft by the chief historian, office of cultural resources management, Washington. Approval rests with the regional director subject to review and consideration of attached comments.

TREATMENT OF CULTURAL RESOURCES BY SPECIALISTS

INTRODUCTION

This chapter describes some of the procedures utilized by NPS or contracted cultural resources specialists in order to meet the standards described in chapter 2. The subjects chosen for discussion are by no means exhaustive, but are those that have proved most troublesome or that are relatively new to the NPS. This chapter applies to work performed by cultural resources specialists based in a regional office or center or with whom the NPS may contract. The procedures to be utilized for requesting such treatment or in the day-to-day treatment of cultural resources in the parks are described in chapter 5.

TREATMENT OF HISTORIC STRUCTURES BY SERVICE TECHNICIANS

(This section is reserved for material to be published later.)

TREATMENT OF HISTORIC STRUCTURES BY CONTRACTING

A major concern in the treatment of historic structures has been the standard method of procurement for construction work: the soliciting of competitive, sealed bids from the maximum number of qualified sources. This system does not always offer contracting officers adequate control of the selection of the most qualified contractors for the highly specialized work needed for historic structures, and does not allow the government to conduct the work under flexible contract terms and conditions. The goal of this section is to alleviate this situation by describing flexibilities within existing regulations and situations when standard contracting procedures can be varied.

National Park Service contracting officers are responsible, under federal regulations, for determining the type of contract for a given project, negotiating contract terms and prices, and documenting the entire transaction. They can make informed decisions if given adequate information about the nature of the job by those historical architects most directly involved in the work, thus close coordination is essential. Discussions should begin well before the planned construction so that the regulatory requirements can be satisfied and sound judgments can be made on contract type and format.

Formal Advertising

For any treatment procurement to be done cost-effectively, a definitive set of construction documents that will lead to a practical and orderly construction project must be provided. When this can be done, it is generally accepted that the standard contracting method, formal advertising, is most economical. It is also the method preferred by procurement authority:

> Contracts for property and services shall be made by formal advertising in all cases in which the use of such method is feasible and practicable under the existing conditions and circumstances. (41 CFR 1-1.30 1-2)

A corollary requirement is that competition be sought from "all qualified sources . . . to assure full and free competition consistent with the procurement. . ." (41 CFR 12.12).

Although it is usually necessary to use formal advertising procedures, one step can help ensure a good contractor. Stringent qualifications requirements can be incorporated in the invitation for bids. This increases difficulties in evaluating bids and awarding contracts and does not guarantee high quality performance, but contracting office personnel and historical architects can work closely to determine those contracts for which special qualifications are appropriate.

Negotiation

Departure from formal advertising is permitted as listed in 41 CFR 1-3.2, "Circumstances Permitting Negotiation." Contracting officers must fully document and justify each contract negotiated under one of these exceptions.

For historic structures treatment work, it is often impossible or impractical to prepare definitive construction documents for the work. In such a circumstance, there is authority to negotiate under 41 CFR 1-3.210, which states in part:

> ". . . purchases and contracts may be negotiated without formal advertising. . . (13) When it is impossible to draft for an invitation for bids, adequate specifications or any other adequately detailed description of the required property or services."

Examples of circumstances when this provision might be invoked are

> when portions of the structure must be removed or demolished and the underlying foundation or structure must be exposed and evaluated before it is possible to ascertain the proper construction methods, materials, and equipment
>
> when a defined trial-and-error procedure must be used to determine proper subsequent methods of treatment
>
> when a fragile or unknown condition of stability exists that prevents any prior determination of methods, thus making it necessary to proceed on a "brick-by-brick" basis

In each of the above-mentioned situations, "phased" construction may be precluded because of time constraints, the impracticability of separate mobilization by two or more contractors, or the impracticality of having the contractors move on the same site (interference, etc.). Once the contracting officer has determined that negotiatons are the best solution, one of the methods described in appendix W shall be selected.

SUPERVISION OF HISTORIC STRUCTURE TREATMENT

All historic structure treatment projects involving Service-employed technicians or a construction contract shall be under the general direction of a historical architect. The same specialist who performs the research and prepares the working drawings and specifications should be responsible for the work. The day-to-day supervision of a project may be undertaken by the historical architect, a preservation specialist, or another appropriate technician or professional. Special care shall be taken to record all existing conditions and details of the treatment.

The regional historical architect should direct the work of other historical architects, architectural conservators, and preservation specialists.

MANAGEMENT OF OBJECTS AND DOCUMENTS

Management of Museum Objects

Books, chairs, plant specimens, and material recovered from excavations within a park . . . any of these may be part of a park's museum collection and thus part of the superintendent's cultural resource management responsibility. The same preservation goals apply to objects as to other kinds of historic fabric: to preserve intact as much of the fabric as is possible and to minimize alteration and deterioration.

Most of the task of preserving objects can be accomplished passively and indirectly, simply by assuring that the objects are exhibited or stored in appropriately controlled environments with adequate protection against accidents, disaster, theft and vandalism. In addition, objects in collections need to be examined periodically, both for accountability purposes and to ensure that active deterioration has not begun. Specific guidance for condition monitoring will be found in the park's collection preservation guide, in the historic structure preservation guide (for furnishings), and in the NPS "Museum Handbook."

Signs of deterioration discovered through periodic monitoring will often point to an environmental problem (high humidity, excessive light levels, etc.). Correcting the environmental problem may stabilize the collection without any treatment needing to be performed on objects.

Natural history specimens collected for their decorative values and intended for use as cultural objects--such as a taxidermic moose head over a fireplace--are considered to be cultural resources, whereas those collected for their scientific values are not considered cultural resources, even though they may be part of a park museum collection.

Management of Historic Documents

The retention of relevant historic documents for reference, research, and interpretive purposes by parks is encouraged.

Types of Historic Documents. Before a thorough discussion of historic documents, it is necessary to specify which NPS records they include for the purposes of cultural resources management.

Official records of the National Park Service, including all correspondence and reports, are managed in accordance with the Service's "Records Management Guideline" (NPS-19) and the regulations of the National Archives and Records Service (NARS). They are not covered by this guideline but rather, when they have served their purpose as operating records they are disposed of according to the National Park Service Records Disposition Schedule (NPS-19, appendix B). Before this happens, parks are encouraged to retain notes or copies of historically significant records relevant to management and interpretation as well as such materials as might be needed for exhibition or documentation of museum collections. Such materials as may be copied or retained will then become part of the park's collection of historic documents.

In addition, other records in the possession of the NPS are never considered "official records" for NARS management but are considered historic documents. They include two groups:

> Collections of historical materials relating to a park's administrative history, such as material relating to efforts to preserve a site or structure and to its establishment and development as a unit of the National Park System providing they were not produced by the agency. Such materials could document the activities of individuals and organizations outside the government and could include the personal papers, taped reminiscences, etc., of government employees. They could also document activities and events, such as interpretive programs and ceremonies, that have occurred at the area since its establishment. (Note that some materials in this category also might fall in the category described above.)
>
> Collections of historical materials relating to the events or people a site commemorates or to the original construction and evolution of the structures on the site, all before they became the objects of historic preservation. Such materials would be collected or retained in order to contribute to knowledge and interpretation of the themes, events, persons, or places commemorated by the Service at that site and to be preserved for the future. Examples include the laboratory records at Edison NHS and at Tuskegee Institute NHS, the explorer's log at Mt. McKinley NP, records of the Congresses that met in Philadelphia from 1774-1800 (now at Independence NHP), and logs of naval vessels that have been decommissioned and are now on display at various Park Service areas. Materials falling into this category normally will be original, rather than copies; copies of original documents found elsewhere and made for use by the park staff will become part of a reference library and will not be treated as historic documents.

Remember that the terms "record materials" and "historic documents" include not only paper, but also material such as machine-readable tapes and output, still pictures, motion pictures, sound and video recordings, charts, architectural drawings, etc.

Types of Historic Document Collections. There are three basic types of historic document collections:

> An archival collection contains the noncurrent records of an organization or institution which are preserved for their historical value. Archival collections are arranged accordng to the principles of provenance and original order. Provenance requires that the records of one creator should not be mixed with those of another. Original order requires that records be kept as much as possible in

their original organizational pattern and in their original filing arrangement. The theory behind these two principles is that the arrangement itself provides information over and above that which is found in the individual documents.

Of the very few true archival collections in the National Park Service, the collection of Edison laboratory records is a good example.

A personal papers collection contains the private documents naturally accumulated (as opposed to actively collected) by an individual or a family. In arranging such collections, the archival principles of provenance and original order are usually applied.

An artificial collection is made up of individual documents or groups of documents that are gathered together from various sources. They are usually related to one another only in general subject content. Most document collections in NPS are artificial collections.

An artificial collection may contain within it small archival or personal papers collections and vice-versa. For example, the Morristown manuscript collection, which is an artificial collection, contains several small collections of personal papers. Artificial and personal papers collections are sometimes referred to as "manuscript collections."

Collection Management. Specific guidelines for the preservation of an accountability for historic documents have not been developed by the Park Service. Until such guidelines are developed, historic documents are to be maintained and accounted for in accordance with the standards for museum objects. These standards deal with accessioning, cataloging, conservation, use, storage, exhibition, security, fire protection, and disposition and can be found in this guideline and in the "Museum Handbook." However, under no circumstances should museum (or library) treatment of archival or personal papers collections be allowed to violate the archival principles of provenance and original order (explained above).

Nonoriginal Material - There are no restrictions, other than relevance, upon the collecting of nonoriginal materials, such as printed matter, photographs, maps, and copies of original documents.

Original Materials - Original archival or personal papers collections are not to be acquired unless specifically authorized by the director. Such authorization may be requested and can be granted when all four of the following criteria can be met:

materials are compatible with the park's scope of collections statement

adequate storage facilities exist in the park to permit preservation of original documentary materials under curatorial standards

> the park's facility is staffed by at least one archivist, curator, librarian, or other person with training or experience in the preservation of documentary materials
>
> materials in the park's collection can and will be made available to competent researchers under conditions which will maximize both preservation and use and will ensure proper security against theft and vandalism

When original historic documents are offered to a park that does not meet the last three criteria, an effort should be made to have them placed by the prospective donor in an appropriate public repository. Preference should be given to local institutions, such as a city or county library or a local college or university. If there is no local institution both able and willing to care for the collections, they can be offered to a state archives or to a nonlocal library. Park administrative history materials should generally not be offered to non-NPS institutions, but should be deposited in the National Park Service history collection maintained by the Division of Reference Services at the Harpers Ferry Center. When historical documents are deposited, copies can be retained by the park for reference purposes. This policy encourages optimum preservation of valuable original materials. When depositing historical documents in non-NPS libraries and manuscript repositories, the regulations concerning disposition of government property must be followed. Materials owned by the National Park Service can only be loaned to the repository. Materials offered to the Park Service, but not yet under its ownership, can be donated directly to the repository library or to the NPS history collection at Harpers Ferry without the concerned park actually taking title to them.

Preservation Treatment

When objects in a museum collection need more complex treatment than preservation maintenance, the treatment must be performed by a qualified objects conservator. The preservation work will be performed in accordance with the principles and practices specified in The Code of Ethics and Standards of Practice of The American Institute for Conservation of Historic and Artistic Works (appendix O). In addition, the work must be consistent with the philosophy embodied in chapter 5, NPS "Management Policies;" preservation of original materials will be maximized; replacement and restoration of missing features will be minimized; minimal conjecture will be required; and new work will be readily identifiable. Because an object may require subsequent treatment, the conservator must use reversible procedures, except in rare circumstances, and document them in sufficient detail that the next conservator will be able to reverse them after referring to the treatment report.

The goal of preservation treatment is to put the object in a stable condition so that it can be maintained through preservation maintenance.

This may include cleaning and other procedures necessary to approximate the original condition without loss of integrity.

All preservation treatment projects, whether performed in-house or by contracting, will be supervised by a professional curator.

In order to initiate preservation treatment by a facility outside the park, an object treatment request (OTR) form (10-252) must be submitted to the regional curator (an example is included in appendix R). Preservation work may not be performed on park-owned objects without the permission of the superintendent or designee. In the case of objects not owned by NPS, the superintendent must verify, by signing in the block authorizing treatment, that the object is covered by a formal loan agreement, that the owners have given written permission for the object to be treated, and that it is in the best interests of the government to provide this service. A copy of the catalog card must accompany each OTR.

The regional curator will either approve the request or return it to the park for futher justification. Approved OTRs are forwarded, with necessary special instructions, to an NPS facility or to a contractor.

Treatment by NPS Personnel. If the chief of the treatment facility accepts the object for treatment (rather than suggesting contracting or nontreatment), a condition report will be prepared. This will normally be prepared by a conservator, but may, on occasion, be prepared by another knowledgeable individual and then reviewed by an NPS conservator. A treatment proposal may also be appropriate at this stage; it would document what aspects of the object will be affected and the limits of the task to be performed.

Treatment of objects will be performed only by professional conservators with expertise in material being treated. Work may be done in a preservation center, such as the one at Harpers Ferry, or it may be done at the park. In the latter case, the conservator may travel to the park to work (if conditions in the field will allow a creditable job to be done) or the object may be treated in a park laboratory. Park laboratories, though nonexistent at this time, may be established with the approval of the regional director and the concurrence of the regional curator and the chief curator. This will be based on the volume of need and the adequacy of funding, staffing, and facilities available.

The report of treatment will accompany the object back to the park, and it will be kept in the catalog or accession folder for that object. A notation of treatment will be made on the catalog card. Treatment reports should receive archival care.

Treatment of Objects by Contracting. If preservation treatment is to be contracted, a report of examination (documenting the condition of the object) will be prepared. If the examination is done by a nonconservator, or if the service is purchased, it is recommended that the report be reviewed by an NPS conservator with expertise in the relevant field.

In conjunction with the contracting officers, professional preservation treatment will be contracted. All of the preceding discussion under the heading: "Treatment of Historic Structures by Contracting," applies equally to contracting treatment for objects in park collections, with one exception: The "negotiated, cost reimbursement" method of procurement is seldom appropriate for objects because the degree and expertise of government surveillance necessary is usually not available in field areas. It is essential that a treatment proposal be obtained, and/or that the curator responsible for the contract write contracting specifications that constitute an administrable statement of the work to be performed. Consultation with a conservator may be necessary. All contracts for preservation services must stipulate that the work will be done in conformity with the AIC Code of Ethics and Standards of Practice.

The report of treatment will be stored as with in-house work.

TREATMENT OF CULTURAL LANDSCAPES

(This section is reserved for material to be published later.)

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DESIGNING FOR HANDICAPPED ACCESSIBILITY TO HISTORIC STRUCTURES AND SITES

Law and regulation require that no person shall, on the basis of a handicap, be excluded from participation in, denied the benefits of, or otherwise be discriminated against by federal program or activity. The National Park Service has a legal and moral responsibility to accommodate handicapped visitors and employees. In the case of historic structures and sites, handicapped accessibility to programs or activities means access to all aspects of programs. This normally means direct access; in cases when severe impairment to resources would result, indirect access as described later in this section can be substituted.

Barriers that exist at historic structures and sites must be classified in accordance with the NPS "Accommodations of Disabled Visitors at Historic Sites in the National Park System." The resulting analysis is to be incorporated and considered in a historic structure report. The provisions of prevailing standards for access by the handicapped (41 CFR 101-19.6) will apply to design documents unless management, after consultation with the responsible historical architect, determines that strict compliance will impair significant historic or architectural values.

When the provisions of the standard cannot be met without impacting the historical or architectural values of the structure or site, alternatives are to be considered on a case-by-case basis. Permissible alternatives must consider functional and safety factors as well as impact on the fabric and visual qualities of the structure and/or site. Options might include easily reversible or portable ramps with slopes steeper and shorter than the standard; requiring only one access by a doorway with a usable clear opening of 29½ inches; or access to experiences, services, functions, materials, or resources describing the overall experience at a single accessible place in the structure or site.

The barriers associated with a historic structure or site need to be comprehensively defined and evaluated. For example, there is no need to widen a door if the handicapped cannot get to the building. Many parts of a structure or site can be made accessible through the sensitive design of the usual site improvements and structural rehabilitations (i.e., parking, curb cuts, toilets, telephones, etc.) without affecting historic or architectural values. Development of side or rear yards and use of a less significant elevation of a building as the primary entrances for visitors and staff may offer acceptable solutions for the preservation of significant visual and physical qualities.

Every effort must be made to provide access to structures and sites without making alterations or structural changes that will impact historical or architectural values. Alterations to a structure or site (including its equipment) that do not involve any structural changes but that help meet access standards (such as changes to water fountains, stairways, doors, toilet rooms, elevators, exterior grades, or curbs) are encouraged. Provision of access by structural changes that alter the supporting system of a historic structure or introduce new building elements or landscape features (such as retaining walls) into the site may be considered only if the changes do not alter or destroy historically, architecturally, or culturally significant features.

When alterations or changes cannot be made without negatively impacting the values of a historic structure or site, access to programs by other means should be considered. Such methods may include, but are not limited to, offering programs, activities, or services at a nearby accessible site.

All proposed handicapped accessiblity projects should use the basic methods of evaluation and problem solving outlined in the NPS manual, "Disabled Visitors at Historic Sites in the National Park System." Proposals to alter a historic structure or site to provide handicapped access must be reviewed by the appropriate regional cultural resource specialists using the assessment of effect format (XXX form).

The Advisory Council on Historic Preservation's proposed statement of program approach is in appendix P.

DESIGN COMPATIBILITY IN HISTORIC ZONES OR DISTRICTS

The construction of contemporary structures as additions to historic structures, in historic districts, or adjacent to or in visual or physical association with historic structures, is to be in harmony with the existing historic structures. The contemporary structures should be of modern design that neither duplicates nor mimics the adjacent or associated historic structures but rather blends with the historic structures.

The architect must consider the elements of texture, scale, and continuity, as defined below, in designing the contemporary structure.

> Scale is the relationship of the mass of the existing historical structure, or structures, to the contemporary structure, in similar or harmonious proportions, especially height and width.
>
> Texture refers to the predominant texture of the existing historical structure(s) in relation to the predominant texture of the contemporary structure. Light reflective qualities and surface quality of the contemporary structure must relate harmoniously to the historic.
>
> Continuity includes the consideration of the general or specific architectural style or tradition of existing historical structures in the design and placement of contemporary structures. Color is a key element in continuity, as is the relationship of solids and voids in the existing structure. Architectural rhythm and spacing of groups of structures are elements in continuity, as is the continuation of predominant lines, whether horizontal, diagonal, or vertical, in the

historic structure. The relationship of the historic structures to the immediate natural surroundings and any formal or natural landscape features shall be considered in any new design. Roof shapes, window shapes and placement, projections, and architectural details shall be considered.

The design for the contemporary structure will be reviewed for compatibility with the associated structure(s) or historic scene. The design review process, which is a routine part of the regional director's review and approval processes, is sequential and is intended to ensure cooperation and coordination between the architect and the regional cultural resources specialists from the initial stage of the project through the construction phase.

Throughout the design process, coordination between the architect and regional cultural resources specialists shall be close and continuing. In this way, problems concerning compatible design can be addressed as they occur, with both parties being equally familiar with the project.

The process functions in four phases:

Phase I: Predesign. The affected historic structure(s) shall be identified through form 10-238 review and applicability of design compatibility guidelines will be noted in the task directive. The requirement to meet design compatibility guidelines shall be an essential part of the process of selecting the architect and any consultants, and the design characteristics of the affected historic structure(s) shall be determined in a predesign conference between the regional cultural resources specialists and the architect.

Phase II: Preliminary design. The design shall be reviewed for adherence to the three design compatibility criteria. The preliminary design shall receive formal compatibility review. Disapproval shall require redesign. Approval at this stage shall be final, with the understanding that the final design shall not differ markedly from the approved preliminary design.

Phase III: Monitoring. The regional cultural resources specialists shall monitor the project for design compatibility through the preparation and review of construction documents and throughout the construction process for any changes in the approved preliminary design.

Phase IV: Preservation guides and maintenance actions. Preservation guides and maintenance actions shall be reviewed to ensure that maintenance does not introduce incompatible elements. This applies to contractual arrangements and maintenance agreements concerning concessioner facilities.

PARK-BASED MANAGEMENT AND OPERATIONS

INTRODUCTION

This section provides guidelines for park-based management activities that affect cultural resources. Implementation and coordination of the work discussed in this chapter are generally the direct responsibility of the park superintendent, in contrast with the specialized research and treatment services described in chapter 4, which are usually accomplished by regional offices or centers.

The subjects covered are not exhaustive, but are those that seem to be inadequately treated elsewhere.

PROGRAMMING AND BUDGETING CULTURAL RESOURCES TREATMENT

It is the responsibility of the park to initiate all funding requests. Detailed information on access to the various funding sources should be obtained from the regional offices.

Preservation Maintenance Projects

Preservation maintenance is care for cultural resources that includes

> housekeeping, routine, and cyclic work scheduled to mitigate wear and deterioration without altering the appearance of the resource
>
> repair or replacement-in-kind of broken or worn-out elements, parts, or surfaces so as to keep the existing appearance and function of the resource
>
> emergency stabilization work necessary to protect damaged historic fabric from additional damage

Such preservation treatment does not normally require huge sums of money, but it does require a steady, long-term management commitment and funding base.

Housekeeping and routine maintenance treatment, as described under "annual maintenance" in the next section, are performed more frequently than annually and are funded from the park base account (PWE 252).

Treatment that occurs at greater than one year intervals is funded under the cultural cyclic maintenance account (PWE 250). This program is designed to provide funding for continued treatment as long as the resource is to be maintained. Each park receives an annual call from the region for a request for these funds.

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Emergency stabilization can be funded by the Cultural Resource Preservation Fund (PWE 256). These are funds distributed based on an annual call by the Washington office and are extremely limited. A 10-238 is used to request these funds.

Washington or regional office lump sum reserve funds may be available for emergency stabilization if there are no other funds available.

Park base funding can also be used for emergency stabilization and for other preservation projects, especially when the park has certified technicians to do the work under professional guidance from the regional office or centers.

Some funding is available at HFC, through the regions, for treatment of individual objects at the center. The object treatment request forms described later in this chapter are used to utilize this fund source.

See appendix V for definitions of operating primary work elements (PWE).

Development Projects

Development projects are undertakings for which major amounts of funding may be necessary. They would include projects such as stabilization, restoration, or refurnishing of sites or structures, with accompanying research, or treatment of newly acquired collections.

Submission of form 10-238 is the method normally used to insert such projects into the long-range program and to obtain funding for them. The 10-238s should be based on the general management plan, the cultural resources management plan, and the outline for park requirements.

See the description of the planning process in chapter 2 and NPS-2 for information on long-range cultural resources planning.

PERFORMING CULTURAL RESOURCES PRESERVATION MAINTENANCE

Preservation maintenance is defined in the preceding section.

Guidance for park-level maintenance of cultural resources should be in the park's cultural resources, historic structure, and/or collection preservation guides and furnishing reports as described in chapter 3. The maintenance recommendations contained or referenced in these guides should be converted to cost factors (i.e., work-hours, supplies, equipment, purchased services, etc.) and reflected in appropriate programming documents for annual and cyclic maintenance needs (see previous section). If such guides are nonexistent or incomplete, the preservation maintenance will be done under the technical supervision of the appropriate regional cultural resources specialist.

Personnel performing preservation maintenance work should receive any necessary specialized training to bring them to the competency level required. If the level and/or quality of preservation maintenance work warrants, the personnel should be classified into the appropriate professional or certified technicial categories described in the personnel management section in this chapter and in appendix K.

Annual Maintenance

Housekeeping and routine maintenance may be the only active treatments needed by many resources; they are funded out of the park base. Examples of activities in these categories would include gentle methods of removing accumulated dirt (dusting, vacuuming), maintenance of protective barriers (waxing), and tightening, adjusting, and oiling. In the absence of specific instructions in the above-mentioned documents, general guidance can be obtained for structures from Cyclical Maintenance for Historic Buildings by J. Henry Chambers, published by the NPS in 1976, and for collection materials from the housekeeping section of the "Museum Handbook."

Cyclic Maintenance

The criteria for and method for obtaining cyclic maintenance funds are described in the section on programming and budget. Some cyclic projects are performed by park staff and with methods similar to annual housekeeping or routine maintenance activities; their accomplishment should be as described above. However, other cyclic maintenance projects may involve more extensive treatment of structures or objects (i.e., disassembly, inspection, cleaning, barrier application and reassembly of a firearm), for which the work should be performed by a certified technician or professional. The level of training and skill essential to safe performance of cyclic maintenance projects will be specified in one of the guides or will be determined by the appropriate regional cultural resources specialist.

PROTECTION (SAFETY AND SECURITY) IN HISTORIC OR PREHISTORIC SITES AND STRUCTURES

Sites and structures, their contents, and the people in and near them can be protected by a combination of managing use, artifact care, and installation of protective systems.

Managing Use

The proposed use of a historic or prehistoric site or structure is a crucial factor in deciding what actions are necessary to protect it, its contents, and visitors and staff. However, when proposed or existing uses of a structure present protection or safety problems and when the solution(s) to such problems conflict with the physical integrity or historical veracity of the structure, the uses of the structure must be limited or changed to minimize or eliminate the conflict.

For example, a fire code may require a second fire exit in a building occupied by more than a certain number of people. If the addition of that exit would compromise the historical integrity of the building, management should limit the number of people in the building at any time to less than the level at which the second exit would be required.

When the Park Service regulates the amount, kind, time, and place of visitor use, the proposed limitations must be weighed against the criteria of effect established by the Advisory Council on Historic Preservation. The proposals are also subject to compliance with the Council's regulations, the "Protection of Historic and Cultural Properties" (36 CFR 800).

In this discussion, the term "uses" generally refers to the visitor use of a structure, such as tours of a furnished house. But it can also refer to other uses, such as adaptation for offices or quarters, or leasing for private or commercial uses. Obviously, all public and staff uses of any structure must be made as safe as possible, but the preservation of the physical and historic integrity of the structure should not be compromised.

Limiting or changing the use of a historic structure in order to avoid compromising its integrity is an alternative that must be kept in mind when planning new systems--intrusion and fire detection, fire suppression, electrical, mechanical, etc.--and when upgrading existing systems. This alternative also must be considered when modifying the structure (stairways, halls, exits, handrails, enclosures, signs, etc.) in order to meet life safety concerns, or when making structures accessible to the handicapped. Installation of systems or physical modifications should be considered only when: 1) they are the only viable options, 2) they will cause no appreciable physical damage to the structure, 3) they will cause no unacceptable visual intrusion on the historic scene, and 4) they do not alter the qualities that qualify the structure for the National Register. Deciding on the best course of action will require a situation-by-situation evaluation of the values of the structure and the particular protection or safety problem that is to be corrected.

The basic code references are latest editions of the National Fire Code, the Life Safety Code (NFPA 101), the National Electrical Code, the Uniform Building Code, and OSHA Codes (29 CFR Part 1910) when employees are affected.

Operating manuals for intrusion and fire detection and suppression systems must be kept secured from common access.

Protective Systems

Chapters 5 and 7 of the National Park Service "Management Policies" address the need for fire and intrusion protection in park facilities and require the Service to provide appropriate protection for cultural resources in the parks (primarily historic structures and museum collections). This section clarifies these general policies as they apply to the installation of protective systems in Park Service historic structures and buildings housing museum collections.

Types of Protective Systems. The three major and several minor types of protective systems which can be installed in park structures are listed and described below. It is not intended that this listing be all inclusive; if there is occasional need for a system not covered in this discussion, the intent of this section is to be followed.

Intrusion Detection System - A combination of sensors, controls, and annunciating devices, electronic or electromechanical in form, installed in a structure to indicate unauthorized presence or attempted entry into the structure by an intruder.

Fire Detection System - A combination of sensors, controls, and annunciating devices, electronic or electro-mechanical in form, installed in a structure for the purpose of indicating the presence of fire or products of combustion within the structure.

Fire Suppression System - A system consisting of an extinguishing agent, hardware, and (generally) electronics designed to automatically extinguish or suppress a fire within the structure as soon as possible after the fire begins. Such a system may have its own fire detection capability, or it may be activated by a separate fire detection system. The types of fire suppression systems most commonly encountered in park facilities use water or Halon as the extinguishing agent.

Security Glazing - Non-breakable or attack-resistive glazing used in lieu of ordinary plate glass or tempered glass in structures where superior resistance to forced entry through glazed surfaces is required. Such glazing normally will be termed "burglary-resistant" or "bullet resistant" and may be a special form of laminated glass or a special type of plastic.

Security Lighting - Lighting, either indoors or outdoors, installed and operated only during hours of darkness primarily for the purpose of denying the cover of darkness to potential intruders.

Hold-Up Alarm System - A combination of switches, controls, and annunciating devices, electronic or electro-mechanical in form, installed in a structure, usually for the purpose of silently summoning assistance in the event of a robbery. This type of system is commonly found where large amounts of cash are handled (in concessions operations for example) and may be a part of an intrusion detection system for the overall structure.

Duress Alarm System - Similar in form and operation to a hold-up alarm system, the purpose of the duress alarm is to summon assistance in the event of a personal emergency, such as an assault on a park employee, or in the event of a medical emergency, such as a heart attack by a park visitor. Duress alarms may be at such fixed points as information desks, or they may be carried on the person.

High-Security Locks - All structures shall have some type of locks to keep doors closed and to keep out the curious. When controlling and limiting access is critical, such as when museum collections or high-value property must be protected, it may be necessary to employ locks of a better quality than might otherwise be required. The locks usually are referred to as "high-security" locks; they may offer high resistance to forcible attack or to being picked, or to both.

Determining the Need for a System. Of the several protective systems defined above, three are most often employed to protect park facilities: intrusion detection, fire detection, and fire suppression. These three systems are to be considered for use in all Service historic structures and in buildings housing museum collections. When they can be justified on the basis of cost-effectiveness, and will not conflict with the physical or historic integrity of a historic structure, they will be installed. Such consideration is mandatory for all projects involving extensive treatment of historic structures, or new construction of buildings housing museum collections, and it must come at the task directive stage or earlier. Such consideration is optional for historic structures that will not be treated or for existing buildings housing museum collections for which construction is not planned. However, serious consideration is urged for these structures when they or their contents are valuable enough to warrant extra protection.

Consideration of the other systems listed above is mandatory for all major historic structure treatment porjects and for all construction or new construction building projects that will house museum collections. In particular, high-security locks may be required in a great many park structures.

It is a Service policy that fire detection systems be used to protect historic structures, especially those which are furnished, and those buildings occupied by substantial numbers of visitors or staff. Fire detection systems also are required for the protection of museum collections on exhibit and in storage, when such collections contain unique, irreplaceable, or highly valuable objects that are subject to damage by fire. However, it should be remembered that the installation of a fire detection system in a historic structure may not be advisable if the installation would cause unacceptable physical or visual damage to the fabric of the structure; in such cases, some other form of fire detection will be required, such as guards.

All managers are urged to consider the need for one or more of the listed systems when submitting development/study package proposals (form 10-238) so that their appropriateness can be considered at all steps in the programming/planning process. Paragraph 3 of the planning and management requirements block on form 10-238 should indicate that one or more protective systems may be needed. Systems solely for the protection of museum exhibits may be requested in paragraph 6 as well as in paragraph 3.

There are no rigid "rules" one can follow to determine if a protective system is required in any particular structure. However, there are accepted practices and published standards which are appropriate for managers to follow. Some of the applicable practices and standards are:

> The Life Safety Code, NFPA 101 - This code is published by the National Fire Protection Association and has been adopted by most states and municipalities in this country. Basically, the code prescribes practices which lead to a reduction in injury and death from fire in various types of structures. There is no legal requirement for federal agencies to follow the code, however, it is a policy of the Department of the Interior and the National Park Service that NFPA 101 is to be followed whenever possible in new construction and that managers should make every reasonable effort to upgrade existing facilities to comply. For further information, see Department of the Interior Manual, Part 485, Chapter 2, Paragraph 485.2.11 and the Service's "Management Policies," chapters 5 and 7.
>
> Practices of the Security Industry - The security industry generally suggests that one may spend for protection, in any given year, an amount no greater than 10 percent of the value of the property being protected. (The "value" of lives is not factored into this formula; lives must be protected at any cost.) Expenditures for protection may include: guards; electricity and replacement lamps for security lighting; costs for changing locks and combinations; cost of maintenance on alarm systems; and the yearly prorated cost of any installed security systems, normally one-tenth to one-fifteenth of the installation cost. This industry suggestion is a sound one, and the Park Service should follow it. Based on this suggestion, architects should determine the value of a structure and its contents and make sure that the cost of any protective systems, prorated over their life expectancy, is not excessive. In calculating the cost of such systems as security glazing and high-security locks, consider only the amount which exceeds the cost of conventional glazing and hardware.
>
> Fire Detection Practices - Fire detection should generally be provided in places where people work or visit. However, fire detection for the purpose of protecting lives is generally not necessary if a structure is occupied only intermittently and for a short duration, if a structure is small enough that rapid exit is easy, if a structure and its contents are essentially non-flammable, or if the risk of fire occurs only when the structure is occupied and manual fire fighting capability is adequate for protection.

It is also a practice to provide for fire detection where a fire could cause an unacceptable loss of property. It is particularly important to protect irreplaceable cultural properties, such as historic structures and museum collections. However, automatic fire detection is generally not justifiable when a structure is occupied 24 hours a day and the occupants can report a fire and initiate extinguishment; when the value of the structure and/or its contents is too low to justify the expense of a fire detection system; when the installation of a fire detection system would cause unacceptable physical or visual damage to the fabric of a historic structure (in such cases, some other form of fire detection must be provided); when the construction of the building and the nature of its contents are such that an unreported fire would cause little damage; or when there is no fire-fighting force to respond to an alarm or when there is no way to extinguish a fire should someone respond. Bear in mind, however, that life safety may dictate the wisdom of fire detection even when detection for property protection is not required.

Intrusion Detection is generally provided where there are concentrations of valuable property at risk from burglary, such as in a museum. Intrusion detection systems sometimes can be effective against vandalism, especially in historic structures. However, intrusion detection systems generally are not required when a building is occupied 24 hours a day and the occupants are capable of dealing with any intrusion without risk to life, when the value of the structure or its contents is too low to justify the expense (remember that effective systems can be quite inexpensive if installed when a structure is built or treated); when installation (usually retrofit) would cause unacceptable physical or visual damage to the fabric of a historic structure (some other form of protection, such as guards, might be required).

INTERPRETATION

Cultural resource management and interpretation are two aspects of the same NPS mission. Each must complement the other. Interpretation communicates the significance and value of the resource to the diverse set of audiences that comprise "the public." As such, it should be used to enlist the public's understanding of and appreciation for the resource, thus becoming one of the key tools of resource management.

Cultural resources specialists and interpreters should coordinate their activities and consult with each other. Regional chiefs of interpretation with curatorial responsibilities should take a balanced approach to curatorial and interpretive concerns. Curators and interpreters should work together in the preparation of statements for interpretation, scope of collections statements, and similar documents, all of which should specifically consider the impact of interpretive activities on all cultural resources. They should also coordinate their activities to prevent damage to the resources, to incorporate an appreciation of cultural resources and their management into interpretive activities, and to enlist interpreters as knowledgeable observers able to detect basic threats to resources. Interpretive activities, including tours, demonstrations and programs, must be factually accurate and must consider the fragility of historic objects, sites, and structures. Cultural resource specialists need to help interpretive personnel minimize any impacts on the resources.

The purpose, philosophy, and standards for interpretation are described in NPS-6, key elements of which are excerpted here:

> All interpretation should convey the primary value of park resources and the importance of respecting them. Interpretive activities of all kinds should not overshadow park resources or be so unrelated to resources that visitors remember the presentation rather than the purpose for the presentation. Nor, in terms of physical actions, should interpreters or interpretive methods be exempted from the standards of resource care that are required of visitors.
>
> Interpretation should ensure that visitors understand clearly the relative integrity and quality of the resources that they are seeing. We cannot mislead visitors about the reconstruction or massive restoration of a historic property or the substitution of replicas for original objects.
>
> Interpretive presentations must be historically honest and accurate and are to be given in such a way that visitors clearly understand the relationship between the presentation and park resources.
>
> Historic objects should not be viewed or treated as expediently available utensils; rather, they are park resources, the preservation of which must be in accordance with professional curatorial and conservation standards.
>
> Historical interpretation is neither static nor definitive. It is in a constant state of flux as each generation reassesses and redefines its past. Park Service interpretive efforts must keep abreast of these changing perceptions and incorporate them into individual programs when appropriate.

RECREATIONAL USE OF CULTURAL SITES

Active recreation can intrude on and erode the tranquil environment necessary for contemplation of the significance of the events at a cultural site; in some cases it is not appropriate. If recreational activities are deemed proper and necessary, they are to be managed in accordance with the guidance provided in chapter 7, NPS "Management Policies."

ALTERNATIVES FOR HISTORIC STRUCTURES

The National Park System has thousands of historic structures that are either listed on the National Register of Historic Places or potentially eligible for listing. Many of these structures are under-used or vacant, and plans for use by the National Park Service may be indefinite, unfunded, or nonexistent. Allowing these historic structures to remain idle leads to both deterioration, with attendant aesthetic and safety concerns, and to the expenditure of additional funds to restore the structures for park use (at best) or for removal (at worst).

Preservation of these structures requires continual maintenance, occupancy, and use. A great majority of them can be used for a variety of purposes without affecting significant interior or exterior architectural features. The National Park Service has a number of options available to assure preservation of numerous of these under-used and vacant historic structures either indefinitely or until long-term proposals for interpretative or administrative purposes can be fulfilled. The options described in the following sections shall be used to the fullest as mechanisms for preservation. All structures proposed for adaptive use are subject to study before the proposed adaptive use.

Government Furnished Quarters in Historic Structures

The Federal Employees Quarters and Facilities Act (PL 88-459, 1964) authorizes agencies to provide government-furnished quarters to employees at fair market value rent when it is determined by the head of that agency that necessary service or protection cannot otherwise be rendered or that inadequate housing exists in the surrounding community. In cases of historic structures, occupancy of such buildings provides protection from fire, theft, and vandalism. Moreover, the occupants will detect such normal structural deterioration as roof leaks at early stages when repairs can be quickly made. The continued use of a historic building also provides a basis for the long-term protection of the historic fabric through continued housekeeping and routine maintenance.

The continued use of historic buildings for employee living quarters is one of the best means of meeting the preservation mandate of the National Park Service when the interior of the structure is not significant or suitable for park interpretive purposes. The loss of unoccupied historic structures by theft of architectural components, by destructive vandalism, and by fire is well-documented, as is the loss of unoccupied buildings through neglect.

The Office of Management and Budget circulars (OMB Circular No. A-18 as revised October 18, 1957; OMB Circular No. A-45 as revised October 31, 1964; and OMB Circular No. A-25 as revised September 23, 1959) and the "Departmental Housing Manual," released December 1978, do not change the basic authority for determining the necessity for providing quarters.

National Park Service "Management Policies," the departmental manual, and the OMB circulars shall not be interpreted as prohibiting use of historic structures for government-furnished quarters, although the OMB employee quarters criteria must be met. The protection of park resources is supported by law and the departmental housing manual. The protection of historic structures shall be the prime justification for providing housing in those structures where park management programs include the structures' preservation. Where historic structures are occupied as quarters, the departmental housing manual allows the adjustment of costs for excessive heating/cooling expenditures that result from the nature of the structure.

In situations where there are more structures than park staffs can use as quarters, the law permits rental of such facilities to personnel of other agencies or organizations providing services or supplies to the National Pak Service. The public rental of quarters to private persons pending future National Park Service need for these structures is also permitted. Rents are determined on fair market rental value, and leases cannot exceed one year. Since it is in the interest of the Service to preserve the historic structures in the parks, the use of these properties, particularly historic houses as government furnished quarters, shall be implemented to the greatest extent possible.

Leasing Historic Properties

Leasing National Park Service historic property under PL 96-515 (94 stat. 2997) provides a means not only of resource protection but also of retention of the proceeds to defray costs incurred with respect to leased historic properties or other National Register properties under the jurisdiction of the National Park Service. The regulations governing leasing of historic properties by the National Park Service will be contained in 36 CFR 18 and are currently in draft form. Procedures to ensure the participation of all appropriate programs are also being developed. Leasing of historic properties must conform with current management policies, circulated in draft on June 26, 1981, which will be issued in the spring of 1982.

No historic property may be leased to another entity if

> the property possesses an individual significance which is clearly essential to the established national significance of the park and public access and use of the property is required for the park purpose to be realized (see category of significance, category Ia)
>
> the property is needed for on site interpretation of a significant aspect of the park's history and a lease would preclude or significantly reduce the potential for, or desirability of, the interpretive activity, or
>
> the property is required for park administration, operations, or maintenance; concessions; or employee housing, where needed and in

accordance with the provisions of office of management and budget circulars A-18, A-45, and A-25 and departmental policy

Any historic property, except objects and prehistoric structures, which is included in or formally eligible for inclusion in the National Register of Historic Places may be considered for leasing consistent with the above restrictions. If a historic structure which is contained in the List of Classified Structures but which is not officially included in the National Register is identified for potential leasing, the responsible regional director shall complete the National Register process before that structure can be made available for leasing.

Historic property may be leased to another entity if

> the proposed uses under the lease are not inconsistent with the purposes for which the park was established
>
> the use(s) contemplated in a proposal for leasing are generally not services or activities which would normally be provided to park visitors through concessions contracts or by the service
>
> the leases are of such a nature as not to interfere with the use and enjoyment of the park by visitors
>
> proposals for leasing historic or archeological sites have been formulated with the active participation of an archeologist, a historian, and a historical architect so that a sound judgment can be made on acceptable levels of ground disturbance permitted. Acceptable levels of ground disturbance should indicate the kinds of uses which are compatible with the site, i.e., grazing, farming, etc.
>
> proposals for leasing a historic structure(s) have been formulated with the active participation of an archeologist, historian, and a historical architect so that a sound judgment can be made on the level of usage and preservation treatment for the historic structure(s)

After a historic property has been selected for leasing, necessary planning, environmental, and section 106 requirements must be met. If a proposal for leasing is not inconsistent with, or would not change the focus of, the park's general management plan or master plan as determined by the superintendent and the regional director, no further planning action will be required. If the leasing proposal has the potential for altering the plan, a special study will be required, including appropriate environmental compliance and section 106 consultation. A programmatic memorandum of agreement is being negotiated with the Advisory Council on Historic Preservation to avoid separate section 106 actions for every proposed lease. However, appropriate consultation with the Advisory Council will be necessary for proposed leases on a case by case basis until the PMOA is effective, unless leasing was specifically approved in a park's GMP through the existing PMOA covering planning. (See chapter 6.)

After a historic property is selected for leasing and the planning and environmental requirements are met, the property will be offered in accordance with the leasing regulations contained in 36 CFR 18. In formulating the terms and conditions of the proposed offering, cultural resources specialists shall be responsible for delineating appropriate preservation treatments and levels of usage in accordance with the standards and guidelines contained in NPS-28. Any other management and operations program which may be impacted by a potential lease of historic property shall be afforded the opportunity for participating in the formulation of terms and conditions which may be necessary to protect the interest of the National Park Service. If a lease proposal contemplates a potential lessee applying for historic preservation tax benefits, appropriate cultural resources specialists should also participate in the formulation of the terms and conditions.

To fulfill the requirements of the leasing regulations and to relieve the administrative burden from park managers, the following actions shall be taken:

> Each regional director shall have responsibility for general administration of the leasing program. The regional realty officer shall be responsible for conducting all leasing actions required by 36 CFR 18, after formulation of appropriate terms and conditions by cultural resources specialists and management and operations personnel.
>
> All proceeds from leases of historic property under this program may be retained by the National Park Service to defray costs associated with historic property. The regional director shall be responsible for ensuring proper accounting in accordance with guidance furnished by the division of finance.

Lease-Back Agreements

The owners of newly acquired historic structures are generally granted reservations of use and occupancy or life estates when it has been determined that the properties are to be acquired in fee. Should the owners not elect to do this, structures to be used for interpretative or administrative purposes shall be leased on a short-term basis as discussed above. Other structures whose importance lies in their being part of the historic scene can be given appropriate use through long-term leases.

The leasing of government-owned structures to private parties is permitted under PL 90-401 and National Park Service regulations contained in 36 CFR 17. However, since this provision of law does not permit the National Park Service to retain the proceeds of renting historic structures, its use as a preservation tool is not encouraged. If leasing a historic structure is determined to be desirable and appropriate, it should be accomplished under PL 96-515 and 36 CFR 18 as discussed in the previous section.

Special Use Permits

Historic structures can be used by noncommercial purposes through the issuance of a special use permit. Permits should be of short duration and can be terminated at any time deemed necessary by the National Park Service. Special use permits shall not be used as a substitute for short-term leases under PL 96-515.

Concession Agreements

The Concession Management Act (PL 89-249) establishes a system for providing for public accommodations, facilities, and services that are necessary and appropriate for public use and enjoyment of the park. Under these provisions, the secretary is authorized to contract for those services he deems desirable for park visitors. These contracts could permit concessioner use of historic structures. Further, improvements and repairs to historic structures by concessioners may be eligible for tax relief under the provisions of the Tax Reform Act of 1976. The concessioner should be advised to seek legal counsel on specific application for tax relief.

Management of Concessions in Historic Structures

Many concessions within the park system operate in historic structures. Those structures that are under the jurisdiction and control of the National Park Service, or in which the Service has a legal interest, shall be located, inventoried, evaluated, and nominated to the National Register in accordance with section 110 of the National Historic Preservation Act (amended 1980).

In general, such structures shall be managed in accordance with the mandates found in chapter 5 of the "Management Policies" and with the guidelines presented elsewhere in NPS-28.

The following specific precautions with respect to these structures are required:

> Design compatibility criteria found in this guideline apply to additions and alterations to existing historic structures and to construction of new facilities adjacent to them or within a historic district.
>
> Interior finishes, elements, and fixtures are to be evaluated for their significance. If they are significant and are to be preserved, a preservation program will be developed.
>
> NPS-owned furnishings must be evaluated for their historic significance; if found to be significant they will be accessioned and cataloged into the park's museum collection and preserved as

required. Adequate storage and curation are to be provided if they are left in a historic structure or if it is necessary to remove them.

Maintenance agreements that account for any special needs of the historic structure should be incorporated in the contractual arrangement between the Park Service and the concessioner.

Fire detection/suppression and security systems required for public and structural safety shall be designed to be as unobtrusive as possible and located to result in minimum impact or alteration upon the structure while still meeting applicable codes and being effective.

All proposals for concessioner projects, whether initiated by the concessioner or the Service, are to be submitted to regional cultural resources specialists and concessions management specialists for review. The regional cultural resources specialists will use the assessment of effect format (XXX form) as described in chapter 6 for review of these proposals.

Cooperative Agreements

The National Park Service can also enter into cooperative agreements (PL 91-383, 84 stat 825) that provide for living exhibits, interpretive demonstratons, and park programs. This legislation also allows the Service to sell at fair market value products and services produced in the conduct of these activities. Proceeds are credited to the appropriation bearing the cost of such exhibits and demonstrations. This authority can be imaginatively applied to historic structures in the System's recreation areas and historic sites.

ENERGY CONSERVATION IN HISTORIC STRUCTURES AND STRUCTURES HOUSING COLLECTIONS

Law and regulation require that federal agencies reduce energy use. Energy surveys and strategies for retrofitting historic structures or structures that house cultural or natural collections will consider the unique aspects of the resource while recognizing the need for measures to reduce energy consumption. Retrofit measures for these buildings must not disturb the historic integrity of the exterior or interior of structures or impair any collections or objects that may be housed in them.

Throughout the energy management/conservation program, the regional energy coordinator and the regional historical architect shall maintain an active liaison with each other and with their Washington counterparts.

Historic structures are defined in chapter 1. The List of Classified Structures will list most of the National Park Service historic structures; a copy of the current list should be available at each park. Some buildings which are historic may not appear on the inventory list. If there is any question, buildings shall be treated as if they are historic until determined otherwise by the regional historical architect in consultation with the appropriate SHPO.

Retrofitting Buildings Housing Collections

If a historic or nonhistoric building is used as a museum, library archives, or storage facility for collections of natural materials, historic objects, artifact, etc., special consideration is to be given to the collection's environment. Any conservation measure that changes the constant level of the temperature, humidity, or air quality may be harmful to the objects or collections, although different methods for achieving this environment may be considered. Consult the regional curator before implementing any change in the mechanical system or its operations for spaces with objects or collections.

General Considerations in Selecting Retrofit Options for Historic Buildings

The basic fabric shall be protected and the basic structure shall be preserved. Generally, changes to the mechanical systems of historic buildings are acceptable.

No alteration may cause a negative impact on the historic character or features of the building. Because certain retrofit measures can cause irreparable damage to the physical fabric or to the aesthetics of a historic building, all retrofit measures which are proposed for these buildings must first be reviewed by the regional historical architect.

The identification of possible retrofitting actions shall initially focus on operating procedures and modifications to the mechanical equipment. Where a collection is preserved through additional support systems or atmospheric control systems, retrofitting options to reduce air volume or shut down air distribution systems may not be appropriate. (Refer to Energy Survey Manual, DOI, 1979: V-8.)

Alterations to the exterior of the envelope of a historic structure, including such measures as the installation of storm windows or storm doors or the installation of additional insulation, may create serious problems causing deterioration of the building and/or may significantly alter the visual qualities of the building. For this reason, retrofit options to install caulking, weather stripping, roof and wall insulation, double glazing, and installing vestibules may not be appropriate. (Refer to "Energy Survey Manual," DOI, 1979: M-7.) No insulation shall be added without a vapor barrier on the warm side and adequate ventilation on the cool side of the insulation. The use of blown in or foam materials may cause excessive condensation in the walls or be a hazard to public health and safety and its use must be reviewed and approved by the regional historical architect. This includes some cellulose materials with corrosive chemical additives and some types of foam particularly those with a ura formaldehyde formulation.

Where lights on the interior and the exterior of the building are historic elements or the lighting effect is important to the historic scene or the preservation of collections, retrofitting options to move lamps or fixtures, replace incandescent lighting with fluorescent lamps or to lower height of lighting fixtures may not be appropriate.

The regional historical architect, the regional archeologist, the regional curator, and the regional historian will conduct an independent review of all proposed retrofit actions based on the documentation provided by the originating official. They will consider whether

> the documentation of effect is adequate
>
> the proposed action is planned and will be conducted in accordance with all relevant management policies, standards, and guidelines
>
> retrofitting options could affect the environments of the objects or the collections in the building being treated.
>
> the proposal incorporates all feasible measures to minimize adverse effects to cultural resources, and
>
> the proposed action is limited to an "Energy Management Program" project

If all concerned regional cultural resource specialists agree that the foregoing conditions have been met, the proposed action will be regarded as in conformity with 36 CFR 800 and the regional director may authorize it to proceed.

If those conditions are not met, regional cultural resource specialists are to consult with the regional energy coordinator to resolve the problem. If the regional staff cannot resolve the problem, the "Procedures for National Park Service Compliance with Section 106 in accordance with the Memorandum of Agreement between the National Park Service, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers" shall be followed beginning with paragraph 2.D. through to the end of the procedures. (See chapter 6.)

For "Energy Management Program" projects, previously approved plans are not required and the regional cultural resource specialists need only certify that the project is an energy management program project and complies with this guideline.

PERSONNEL MANAGEMENT

Laws and executive orders require the National Park Service to continually demonstrate a very high standard of care for the cultural resources of the National Park System. It is therefore crucial that managers in parks with cultural resources demonstrate a sensitivity toward such resources. The National Park Service must develop qualified managers with experience and/or training in the care and interpretation of cultural resources for positions in parks that: 1) have a primary focus of prehistory, history, or historic architecture; or 2) are natural or recreation areas, but which include a significant inventory of cultural resources.

Assisting and advising managers at all levels of the Service are specialists in the cultural resource disciplines (history, archeology, curation, historic architecture, conservation). These specialists must be highly qualified to initiate, coordinate, supervise and make recommendations to management concerning programs and research. They also consult with other specialists on the technical concerns of their respective professions. They are most frequently located in central offices but may, as resources warrant, be employed in field areas.

Actual treatment of cultural resources in field areas shall be directed by an appropriate specialist and coordinated through the regional offices.

Minimal qualifications for these specialists are listed in the Personnel Qualifications Standards handbook (X-118). In many cases, however, specific knowledges, skills, or abilities (KSAs) in addition to those in the X-118 are needed. When this is the case, these knowledges, skills, and abilities must be fully justified and then a series of special qualifications can be established. These qualifications would consist of special training or education that would produce the necessary KSAs in an individual. These special qualifications can take the form of selective factors, which are mandatory and the lack of which would screen out a candidate, or quality ranking factors, which would result in a candidate possessing them being ranked above a candidate without them. These factors can be used within the merit promotion system or can be submitted to the Office of Personnel Management (OPM) when outside candidates are sought. They must always be presented before recruitment. For more details, personnel staffing specialists should be consulted. Remember that selective or quality ranking factors must be documented in terms of a knowledge, skill or ability sought which is not already a requirement of X-118. Further they must be justified to the satisfaction of a personnel specialist (OPM or NPS) as to the need to identify qualified (selective factors) or superior (quality ranking factors) candidates. Examples of how the KSA may have been acquired by the candidate should be a part of your documentation. Appendix K contains examples of qualifications that could be used as selective or quality ranking factors.

HISTORIC PRESERVATION SKILLS REVIEW BOARD

A historic preservation skills review board is to be established in each region or center to review the qualifications of those individuals applying to be certified as preservation specialists, historical craftspersons, and historical maintenancepersons. It will function as a standing rating and ranking panel. This board shall have the following membership:

a regional or center senior historical architect

a regional chief of maintenance

a regional or center training officer

a superintendent

a preservation specialist or a historical craftsperson

a personnel staffing specialist (chair)

TRAINING OF CULTURAL RESOURCES MANAGERS AND SPECIALISTS

Training in either or both of the following subject matter areas may be necessary for NPS personnel involved in managing, planning, or preserving cultural resources.

The first is a grounding in Service policy and regulations, a thorough familiarity with requirements for compliance with the historic preservation mandates, and an understanding of the program sources for funding preservation activities. Employees who should receive this training include: specialists in the cultural resource disciplines (historians, archeologists, etc.) who are new to the Service; superintendents newly assigned significant cultural resource management responsibilities; and division or section chiefs whose activities directly affect cultural resources (chief of maintenance, chief interpreter, museum technician, etc.). The only formal source for this training at this time is "Cultural Resource Management for Managers." A variety of informal means can be used to meet this training need. Among them are supervised reading programs, "shadow" details with experienced Service specialists, training details to projects which are reviewed by experienced professionals, or a combination of these and other methods.

The second training need is acquisition of historic preservation skills. The skills may range from architectural drafting to duplication and use of tools no longer in common use. In each instance, the skill is performed in a manner consistent with accepted historic preservation practices. A maintenance man may learn to "replace in kind" and to record and mark a replacement window so that it is distinguishable from original material. An archeological assistant may learn surveying techniques sufficient to map a site or how to detect features within a site. A museum technician may learn to catalog an object or to clean a fabric by vacuuming it through a screen. Skills training may be required of anyone who is doing "hands-on" work with cultural resources. For professional specialists in the cultural resource disciplines, the relevant skills are expected to have been acquired in the process of fulfilling the minimum OPM requirements for their profession and also meeting any special selective or ranking factors, as described in the personnel management section of this chapter and in appendix K. For others, formal and

informal training may need to be combined to achieve the desired objectives.

Formal training currently available through NPS includes "Basic Curatorial Methods" and "Historic Prservation Maintenance Skills (east & west)." There are also courses offered by the American Association for State and Local History, the National Trust for Historic Preservation, and by museums, colleges, and historic societies across the country.

Informal training may be accomplished by supervised details within the park, details to work with experienced craftsmen in other parks, or other training assignments as described above. Regardless of the method of training chosen, it is important to have the training documented in the employee's records.

REMOVAL, MAJOR ALTERATION, OR NEGLECT OF STRUCTURES

No structures or structural remains over 50 years of age shall be removed, altered, or consciously left to deteriorate before review by the regional cultural resource specialists (archeologist, historian, and historical architect) and without the approval of the regional director and the concurrence of the associate director for cultural resources management, Washington. Proposals submitted for concurrence shall be forwarded with supporting documentation and justification to the attention of the associate director for cultural resources management, Washington. Washington shall respond within 30 calendar days. If acknowledgement is not received from the Washington office within 20 calendar days, the responsible regional cultural resources specialist shall telephone the associate director for cultural resources management, Washington, to confirm the receipt and evaluation of the documentation and justification. When a question might be raised about the potential eligibility of a structure in this category for the National Register (assuming there is no previous determination for eligibility), the appropriate state historic preservation officer (SHPO) shall be consulted following completion of the Washington review. If the SHPO agrees that the property does not meet the National Register criteria and no question is raised by a responsible third party, the proposed action may proceed. Otherwise, a determinaton of eligibility for the National Register shall be sought in accordance with the procedures in 36 CFR 63, published in the Federal Register of September 21, 1977. ("Guidelines for Level of Documentation to Accompany Requests for Determinations of Eligiblity for Inclusion in the National Register" appears in the same issue of the Federal Register.)

No structure or structural remains under 50 years of age or on the List of Classified Structures shall be removed, altered, or consciously left to deteriorate before review by the regional cultural resources specialists (archeologist, historian, and historical architect) and without the approval of the regional director. Following such approval for any structure whose potential eligibility for the National Register might be questioned, external consultation and subsequent action shall proceed as stated above.

ERECTING MONUMENTS AND MEMORIAL MARKERS IN PARKS

New monuments or memorial markers will be erected in parks only if individually authorized by law, or if part of the park's approved general management plan, amendments thereto, and necessary action plans.

Proposed monuments must be compatible with their sites and environs. They are to be enduringly constructed and composed only of the materials the least susceptible to corrosion. Their legends will be factual and they will not bear the name of their donor except when the donation itself is integral to the historical significance of the park or when the donor is a state or territory significantly associated with the park.

Selection of a designer is to be recommended by the park and the regional director, and then referred to a panel established by the director. The panel will make recommendations to the director on the designer, and on the final design, placement, and construction of the monument. Final approval of all monuments rests with the director.

ACQUISITION OF LAND CONTAINING CULTURAL RESOURCES

Acquisition of land containing cultural resources (archeological sites, sociocultural sites, and historic structures) shall be undertaken consistent with the standards in this guideline.

The land acquisition plan of each park with an active land acquisition program shall address the type and extent of property rights that are required to assure the preservation of cultural resources.

Damage to cultural resources in inholding areas, including removal of historic fabric from an identified historic structure or alteration of the historic scene, shall be considered an incompatible use.

All reserved use and occupancy, life estate agreements, and scenic easements covering cultural resources acquired at a maintenance level shall contain specific provisions for their continuing maintenance by the reservor. All such agreements for cultural resources acquired at less than a maintenance level shall contain specific provisions for their being brought to a maintenance level either by the reservor or the Service and then being kept at a maintenance level by the reservor.

CULTURAL RESOURCES COMPLIANCE RESPONSIBILITIES

INTRODUCTION

Compliance is the network of activities designed to ensure that Service actions conform to law and the requirements that derive from law. For cultural resources, it pertains to those actions authorized under the National Historic Preservation Act of 1966 (amended 1980) (NHPA) and the "Management Policies" of the National Park Service. Cultural resources management actions must also comply with the National Environmental Policy Act of 1969 (NEPA) and, when endangered or threatened species are present, with the Endangered Species Act of 1973 as amended in 1978. Cultural resources management actions in floodplain and coastal areas must also conform with the Floodplain Management Act and the states' coastal zone management plans. All laws referred to in this section, are described in appendix L.

Because the National Historic Preservation Act Amendments of 1980 (PL 96-515) subsumed many actions required by EO 11593, former executive order citations have been replaced with references to applicable sections in the NHPA, as amended.

The following sections detail the steps necessary to conform to compliance requirements.

MEETING REQUIREMENTS OF THE NATIONAL REGISTER OF HISTORIC PLACES

The National Register of Historic Places is the official list of the nation's cultural resources evaluated as worthy of preservation. It is a planning tool, i.e., a guide to be used to identify the nation's cultural resources and to indicate what properties should be considered for protection from destruction or impairment. It encompasses sites, structures, objects, and districts of national, regional, state, and local significance in public and private ownership. The historical units of the National Park System and the National Historic Landmarks in the system are automatically listed on the National Register, but must be documented by the Service. In addition, the Park Service must identify and nominate to the Register eligible individual properties or districts in natural and recreational areas that qualify for the National Register. The following information is provided to guide the Service in complying with National Register procedures and requirements.

Instructions for preparing and processing nominations are in appendix I.

Nominations to the National Register

In accordance with section 110 of the NHPA the Service must, in cooperation with the state historic preservation officers, "locate, inventory, and nominate to the Secretary (Interior) all properties that appear to qualify for inclusion on the National Register of Historic Places." Eligibility in terms of the National Register criteria, as professionally determined by cultural resources specialists in consultation with the appropriate state historic preservation officer, is the only factor that may govern National Register nominations. Decisions to nominate and the physical extent of nominations must not be influenced by plans for development, use, disposal, or other management considerations. The procedures established by the National Register office for compliance with this requirement are published in 36 CFR 60.

Documentation of Existing National Register Properties

Although historical units of the system and National Historic Landmarks in the system are automatically listed in the National Register upon establishment or designation, they must be documented on National Register forms in the same manner as properties requiring nomination. Such documentation is necessary to define the resources and values that contribute to the historical significance of these areas and that might be affected by subsequent or other federal undertakings (NPS or other). Compliance with section 106 of the National Historic Preservation Act is required before such actions can occur.

A few historical parks contain cultural resources whose significance is unrelated to the purposes for which the parks were established or whose significance, though related, contains notable unrelated elements. Examples of the former are The Wayside (the home of 19th-century literary figures in a Revolutionary War park) at Minute Man National Historical Park; the Narbonne House (a 17th-century architectural landmark in an 18th- and 19th-century maritime park), at Salem Maritime National Historic Site; the 19th-century Howser House at Kings Mountain National Military Park; and the prehistoric Indian mounds at Shiloh National Military Park. The Nelson House (at Yorktown in Colonial National Historical Park), which figured in the battle, is of national significance both architecturally and as the home of a signer of the Declaration of Independence. Eligible resources in these categories should also be nominated to the National Register, or the park forms revised as multiple resource nominations, since their independent values and significance will otherwise not be in the park's Register listing.

Determinations of Eligibility for the National Register

Most Park Service undertakings that may affect cultural resources are conducted on Service-administered lands that may have been previously surveyed for such resources. Resources located and believed eligible for the National Register should then have been nominated routinely, in accordance with Executive Order 11593, section 2(a), now section 110 of the NHPA. Resources found eligible will have been entered in the National Register and will thus be afforded the protection of section 106 of the National Historic Preservation Act.

Occasionally, however, a potentially eligible resource is discovered at a stage of project planning or execution that makes its nomination to and entry in the National Register infeasible because of the time required for the nomination process. Section 2(b) of Executive Order 11593 requires the Service to seek determinations of eligibility in such cases from the secretary of the interior (represented by the keeper of the National Register). Resources found eligible for the register are given the same protection as resources actually entered in the Register under section 106 of the National Historic Preservation Act (amended 1980).

The procedures for seeking determinations of eligibility are published in 36 CFR 63. Determinations of eligibility should be sought only in cases of proposed undertakings likely to affect a potential register listing. They should not be used routinely.

In all cases where a question might be raised about the potential eligibility of a property for the National Register, the appropriate state historic preservation officer must be consulted before taking any action affecting it. If the state historic preservation officer agrees that the property does not meet the National Register criteria and no question is raised by a responsible third party, the proposed action may proceed. Otherwise, a determination of eligibility shall be sought in accordance with 36 CFR 63. If the property is found eligible for the National Register, the regulations of the Advisory Council on Historic Preservation in 36 CFR 800 must be followed prior to any commitment to implement the proposed action. The Federal Register of September 21, 1977, contains "Guidelines for Level of Documentation to Accompany Requests for Determinations of Eligibility for Inclusion in the National Register." The guidelines state that documentation may be submitted on National Register forms but that such forms are not required.

Requests for determinations of eligibility shall be forwarded to the keeper of the National Register through the associate director for cultural resources management, Washington.

NATIONAL HISTORIC LANDMARKS

Nationally significant historic properties in the National Park System other than in historical parks, and such properties in historical parks whose national significance is unrelated to or transcends their parks' primary themes, are eligible for National Historic Landmark designation by the secretary of the interior.

National Register forms on properties believed eligible for landmark designation shall be prepared with "national" checked as the evaluated level of significance and statements of significance strongly justifying the evaluation in terms of the applicable criteria of national significance (contained in chapter I of the NPS "Management Policies"). Nominations of proposed landmarks will receive special consideration by the associate director for cultural resources management and the keeper of the National

Register. Those found likely to qualify will be recommended to the secretary for landmark designation.

SECTION 106 COMPLIANCE IN ACCORDANCE WITH 36 CFR 800

Section 106 of the National Historic Preservation Act of 1966, as amended, states:

> The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under title II of this Act a reasonable opportunity to comment with regard to such undertaking.

To assist federal agencies in complying with section 106 and also Executive Order 11593, (now in section 110) the Advisory Council on Historic Preservation published its regulations for the "Protection of Historic and Cultural Properties" in 36 CFR 800. The following is provided as a guide in the use of these regulations; it is not a substitute for them.

Responsiblity of the Regional Director

For the purpose of the Advisory Council regulations, the regional director is the responsible "agency official." He insures adherence to policies and legal procedures in the conduct of Service activities under his jurisdiction. Although staff work and consultations may be carried out by the regional cultural resources specialists, park superintendents, and the centers, others act only as agents of the regional director. Only the regional director may sign memorandums of agreement with the state historic preservation officers and the Advisory Council. The regional director's responsibilities under sections 106 and 110 may not normally be redelegated.

Applicability Of Sections 106 and 110

These requirements prevail in every planning context, from the preparation of a general management plan to the smallest construction project. At the earliest possible stages of project planning, it must be determined (1) whether the project area has been surveyed in accordance with section 110, (2) whether any properties listed or eligible for listing in the National Register are present in the general area of the proposed undertaking and, (3) if so, whether the qualities that qualify them for inclusion in the National Register will be affected by the undertaking. Only if no listed or eligible properties exist in the project's impact area are no further procedural steps required. The survey shall be documented in official files.

Identification of Properties Listed, Determined Eligible, or Potentially Eligible for the National Register

All historical units of the National Park System are listed in the National Register. Numerous properties in other units are also listed in the National Register when nominated and entered in accordance with section 110 of the NHPA. A cumulative publication of the National Register appeared in February 1979 in the Federal Register. Supplemental listings appear in the Federal Register on the first Tuesday of each month with an annual compilaton in February or March. The same publications list properties determined to be eligible for the National Register. At the earliest stages of project planning, these publications should be consulted to determine whether any listed or eligible properties exist within the area of the proposed undertakings.

It is also necessary to identify any properties within the area of the proposed undertaking that may be eligible for the National Register. The initial step is to consult the appropriate SHPO and the statewide inventory. A prior survey or archeological field inventory may have identified such properties. In the absence of comprehensive prior surveys, direct examination of the area of the proposed undertaking by cultural resources specialists may be required. The nature and scope of the examination is determined in consultation with the appropriate SHPO and should be proportionate to the degree that such resources as may exist could be affected by the proposed undertaking. Resources that appear eligible for the National Register should be nominated or submitted for determinations of eligibility (see previous discussion in this chapter).

Determination of Effect

Once it is known that a property (or properties) listed or eligible for listing in the National Register exist in the area of a proposed undertaking, the Advisory Council's criteria of effect (36 CFR 800.3) must be applied. The key in considering effects of projects is the impact area, not the park boundary. The goal of this step is to determine the undertaking's effect on cultural resources, not its effect overall.

The Advisory Council's criteria of effect require the Service to take a broad view of effect and the range of actions that may cause effects.

Effect does not follow only from actions having a direct physical impact on cultural resources, such as the restoration of a historic structure or the disturbance of an archeological site. Effect may occur equally from an undertaking near a cultural resource, whether inside or outside a park or a National Register boundary, as when the undertaking introduces "visual, audible, or atmospheric elements that are out of character with the property or alter its setting." Effect will usually stem from an action taken specifically to preserve, modify, or use a cultural resource; but it may also stem from an action in the vicinity wholly unrelated to cultural resources management, such as the construction of a new maintenance facility or sewer line. Even failure to act, whether deliberate or inadvertent, will produce an effect when it leads to "neglect of a property resulting in its deterioration or destruction." Increased visitor use, vandalism, and wear are often indirect effects that must be considered.

As stated previously in this chapter, the National Register form on a property is the principal instrument for defining what about that property is culturally significant and thus subject to being affected by an undertaking in terms of the Advisory Council criteria. The form should always be consulted to insure that all cultural resources values defined therein are considered in the determination of effect, because the values described on the form are those used by the Advisory Council in determining what merits protection under its regulations.

Application of the criteria will yield one of the following findings for a project: no effect, no adverse effect, or adverse effect.

Finding of No Effect. When a historic property exists in the area of the proposed undertaking and the Service cultural resources specialist(s) find, on applying the criteria of effect to the qualities that qualify the property for the National Register, that the undertaking will have "no effect," the regional director must consult with and seek the concurrence of the state historic preservation officer (36 CFR 800.4[b][1]). Prior to consulting with and seeking the concurrence of the state historic preservation officer on a finding of effect (whether no effect, no adverse effect, or adverse effect), the XXX form shall be prepared and executed as specified in the section of this guideline entitled "Programmatic Memorandums of Agreement". A copy of the completed form along with copies of correspondence documenting compliance with council procedures shall be forwarded to the associate director for cultural resources management. If the state historic preservation officer concurs or fails to object within 30 days, a "no effect" undertaking may proceed. If the SHPO objects to the council on a finding of "no effect," the council is allowed 15 days to comment to the regional director on the finding. If the council finds there is an effect, then the regional director shall determine if the effect is adverse. Documentation of "no effect" determinations and evidence of consultation with the state historic preservation officers must be retained in the regional office files. (For undertakings planned in the Denver Service Center, this documentation shall also be retained in the "Record of Statutory Compliance" file.)

Finding of No Adverse Effect. When Service cultural resource specialists find, on applying the criteria of effect to the qualities that qualify the property for the National Register, that an undertaking will affect a historic property but that the effect will not be adverse, the regional director must consult with the state historic preservation officer (36 CFR 800.4[c]). If the state historic preservation officer agrees, or if he or she disagrees but the regional director still believes that there will be "no adverse effect," the regional director must document the "no adverse effect" determination with evidence of the state historic preservation officer's views (or failure to comment in 30 days) to the executive director of the Advisory Council. Unless the executive director objects to the "no adverse effect" determination within 30 days, the undertaking may proceed without further consultation (36 CFR 800.4[c] and 800.6[a].

Finding of Adverse Effect. Presumably the overall, or net, effect of every undertaking will be judged beneficial by those proposing it, or it would not be proposed. Yet an undertaking whose net effect is beneficial and that overall is in the public interest may nevertheless involve some adverse effect on cultural resources. Under such circumstances, a determination of adverse effect is required under the Advisory Council's regulations.

In making a determination of adverse effect, the Service must cite any measures that will be taken, usually as part of the undertaking, to minimize or reduce the adverse effects on cultural resources values. State-of-the-art attempts to recover data from archeological resources prior to a ground-disturbing project is an example of mitigation. Benefits to be derived from the undertaking are not mitigation. Nor may bonafide mitigating actions, which may minimize but not eliminate adverse effects on cultural resources, be used to justify a "no adverse effect" determination.

Should Service cultural resource specialists find, on applying the criteria of effect to the qualities that qualify the property for the National Register, that there will be an adverse effect on a historic property, the regional director must initiate consultation with the state historic preservation officer and the Advisory Council in accordance with 36 CFR 800.4(d) and 800.6.

"Adverse effect" determinations are not something to be avoided at all costs. When an undertaking may feasibly be modified to avoid adverse effects, it should certainly be done. More often, however, an undertaking that the Service believes desirable will unavoidably have an adverse effect on a cultural resource. In such cases, it is the responsibility of the Service to identify that effect and describe it to the Advisory Council. In meeting its responsibilities under section 106, the Advisory Council is concerned that: (1) cultural resources values have been fully considered during project planning, (2) all feasible measures to eliminate or mitigate adverse effects on cultural resources have been incorporated in a proposed undertaking, and (3) where adverse effects are unavoidable, the overall public interest will be served by the undertaking and appropriate mitigation will be done. If the Service has satisfactorily addressed these points, an "adverse effect" determination will not forestall the undertaking. If, on the other hand, the Service has not adequately addressed these points in making an "adverse effect" determination, it is likely that the undertaking was ill-conceived.

When to Initiate Consultation

The effects of a proposal on cultural resources must be considered from the earliest stages of of a project. Informal consultations under section 106 should be initiated as soon as the general scope of a proposal, or alternative proposals are identified. Consultation must not be delayed until the proposal is at such a stage as to be unalterable thus foreclosing the council's opportunity to provide meaningful comment. It should never be delayed to the point where a project might have to be deferred or cancelled on procedural grounds.

Grouping Compliance Actions

Related actions requiring compliance with section 106 should be grouped to the extent possible. Regional directors can request the comments of the Advisory Council and the state historic preservation officers covering entire regional stabilization programs, historic structures maintenance programs, and the like over a period of years rather than seeking individual consultations on numerous similar projects. For individual parks, it is advisable to obtain the most inclusive possible compliance with section 106 during general management planning. See the section in this guideline on programmatic memorandums of agreement.

Assessment of Effect on Cultural Resources (XXX Form)

The XXX form (10/81) is used to assess the effect on cultural resources of an undertaking and is the initial document required for any undertaking that could affect cultural resources, including "historic properties" as defined in chapter 1.

The form may be prepared at the park, regional office or center where the undertaking originates. It provides information on the affected historic property, the proposed undertaking, the effects of that undertaking on the historic property, and measures planned to avoid or mitigate any adverse effects. It also provides information on approved planning documents and previous compliance actions associated with the undertakings or the property. It is first sent to the cultural resources specialists in the appropriate regional office, who then use it to determine what actions are necessary to assure compliance with section 106 of the National Historic Preservation Act.

A copy of the form is in appendix S.

Review and Certification

The regional cultural resources specialists will conduct independent reviews of the proposed action based on the documentation provided by the originating official. In so doing, they will exercise their professional judgment as to whether

> the documentation of effect is adequate
>
> the proposed action is planned and will be conducted in accordance with all relevant management polices and standards
>
> the proposal incorporates all feasible measures to minimize adverse effects to cultural resources
>
> the proposed action is within the scope of a programmatic memorandum of agreement (PMOA)

If all regional cultural resources specialists whose disciplines are affected by the proposal can certify affirmatively to all four conditions, the proposed action satisfies 36 CFR 800 and the regional director may authorize it to proceed.

If the concerned regional specialists can certify affirmatively to the first three conditions above but not to the fourth, the procedures for determination of effect and consultation in 36 CFR 800 must be completed before the action may proceed. In such a case, the XXX form must be attached to the letter(s) recording and transmitting the professional determination of effect.

If the concerned regional specialists cannot certify affirmatively to each of the first three conditions above, they shall consult with the originating official to achieve mutually accceptable modifications in the proposal and/or documentation. If this consultation is unsuccessful, the concerned specialists shall indicate and explain their refusal to certify on the XXX form and its attachments. In the absence of appeal, the originating official is then prohibited from proceeding with the proposed action. If the originating official still wishes to proceed, he may appeal to the regional director. If the regional director wishes the proposal to proceed without modifications meeting the concerns of the regional specialists, he must forward the XXX form and attachments with a memorandum justifying his position to the associate director for cultural resources management.

Any differences of opinion regarding the four conditions in the regional review and certification process described above, or regarding a determination of effect according to 36 CFR 800, must also be referred to the associate director for cultural resources management for review and resolution.

Upon receipt in Washington of a regional director's request for resolution of appeal, the NPS chief anthropologist, chief historian, chief historical architect, and chief curator will conduct an independent review of the proposed action. Based on their recommendations, the associate director must respond with a decision and justification within 20 days of receipt of the regional director's memo.

If the associate director for cultural resources management can certify affirmatively to all of the four conditions in the review and certification process, the regional director may then authorize the proposed action to proceed.

If the associate director for cultural resources management can certify affirmatively to only the first three conditions, the regional director must then follow the procedures for determination of effect and consultation in 36 CFR 800 before authorizing the action to proceed.

If the associate director for cultural resources management cannot certify affirmatively to each of the first three conditions, the regional director must consider dropping the proposal or requesting modifications to meet the expressed concerns. If modifications are made, regional certification and subsequent action will proceed as described earlier. If the regional director wishes to proceed without modifications, he must follow the procedures for determination of effect and consultation in 36 CFR 800. The associate director's memo must accompany the necessary correspondence.

PROGRAMMATIC MEMORANDUMS OF AGREEMENT (PMOAs) FOR DEVELOPING AND REVISING PLANS

The use of programmatic memorandums of agreement by the Advisory Council was established in 36 CFR 800.8. Such agreements allow agencies to group actions or programs for compliance with section 106. The Council has executed programmatic memorandums of agreement with the National Park Service and the National Conference of State Historic Preservation Officers which eliminate the requirement for Council and State review of individual preservation maintenance actions (as defined in this guideline), of undertakings implementing a plan which has been concurred in by the council, and of energy management program projects. The procedures for complying with them are described in the following sections; copies of the memorandums themselves are in appendix U and the XXX form used for compliance is in appendix S, along with a flow chart that illustrates the compliance process. Functionally, there are three current memorandums of agreement. They include

> a 1979 PMOA encompassing plans, preservation maintenance, and energy management; for more recent plans, it has been superseded by the 1981 PMOA
>
> a 1981 PMOA covering development of plans and revisions of plans in which the SHPO and the Advisory Council have participated from the beginning of the planning effort (technically, this is called an amendment to the 1979 PMOA)

a separate 1981 PMOA covering other NPS programs; the energy management program and preservation maintenance are currently covered (also titled an amendment to the 1979 PMOA)

Compliance Procedures for Planning Documents Developed Prior to the 1981 PMOA

Some existing plans were never presented to the Advisory Council or the SHPO for comment. In order to avoid having to comply on each implementing action for these plans, they can be reviewed under the 1979 PMOA. The core of this PMOA is a planning document such as a general management plan, cultural resources management plan, or any document that reasonably describes how the identified and potential cultural resources of a park will be managed. While great detail in describing the proposed treatment of cultural resources is not required to obtain the Advisory Council's approval of such plans for purposes of the PMOA, enough information should be included to clearly attribute potential implementing actions to the plan.

All regions should evaluate the adequacy of park planning documents and, for those plans found to be current and adequate, seek the review and comment of the appropriate state historic preservation officers (SHPOs). The SHPOs must be requested to "approve of the planning document for purposes of the 1979 programmatic memorandum of agreement," rather than "concur in a finding of no effect/no adverse effect." Regional officials should meet with the SHPOs and their staffs to explain the PMOA and how it works prior to requesting their approval of plans for purposes of the PMOA.

The planning documents are then transmitted to the Advisory Council with the request to comment for purposes of the PMOA, not to concur in a finding of no effect or no adverse effect.

In providing its comments on plans submitted under the 1979 PMOA, the council executes a park specific memorandum of agreement. This is transmitted by the council to the appropriate region. When the park-specific memorandum is signed by the regional director, the SHPO, and by the chairman of the Advisory Council, the region may institute the PMOA procedures for actions under the approved plan in the manner prescribed in this section.

Procedures for Developing and Revising Plans Under the 1981 PMOA

In accordance with this PMOA (appendix U), the National Park Service will initiate the section 106 consultation stipulated in 36 CFR 800 at the beginning of the planning process. Using the informal scoping process, as defined by the Council on Environmental Quality's "Guidelines for Implementing the National Environmental Policy Act," the NPS will initiate the steps detailed in 36 CFR 800 for section 106 compliance at the earliest time consonant with the timely production of high quality documents which facilitate wise decisions

comply with the CEQ requirement to seek the early participation of other federal agencies with jurisdiction by law or special expertise with respect to the environmental issues involved in an undertaking

determine the scope and significance of cultural resource issues at the beginning of an undertaking

identify and eliminate from detailed concern those cultural resource issues which are not significant

identify studies, analyses, and other reviews, consultations, and comment requirements so they may be prepared concurrently with, and integrated with, the environmental analysis and documentation for an undertaking.

By using the scoping process, the Service can seek the cultural resource expertise of the council staff and SHPO at the beginning of an undertaking without making them joint or cooperating agencies under CEQ regulations. However, participation in the scoping process will not relieve the Service, the council, nor the SHPO from formal procedures required by law or regulation. Scoping is not intended to predetermine the content of the council's comments under section 106 procedures.

The process of scoping starts immediately after the Service determines that it will prepare an environmental assessment or environmental impact statement for an undertaking. The process is not structured, and consists of the informal participation of invited federal, state, and local agencies, any affected Indian tribe, and other interested persons or groups including those who might not be in accord with the action on environmental grounds. When the need to invite the council staff or state historic preservation officer to participate in the scoping process is identified, it will be stated in the task directive prepared for the undertaking. The invitation may simply be a letter to the SHPO and ACHP stating our intent to prepare and implement a plan and asking for consultation pursuant to section 106. The task directive will also identify the planning team member who is responsible for making the informal contact during scoping, and set a timetable for formal compliance with section 106. In some instances, a regional office cultural resource specialist may be assigned this responsibility on the planning team. Close, informal liaison between Denver Service Center and regional office specialists will be a key link of understanding when the documentation necessary for section 106 compliance is forwarded to regions for execution.

The regional offices will continue to carry the responsibility for cultural resource compliance and any commitments or Service agreements involved in that compliance.

Most of the major planning for units of the National Park System is done by the staff at the Denver Service Center. Because of the proximity of the DSC and the council's Western Division of Project Review, it is expected that most informal scoping consultations will take place between the staffs of these two offices and the involved state historic preservations office (SHPO). The National Capital planning team will find it more convenient to deal with the council's Eastern Division of Project Review staff in Washington, DC.

The Service maintains its own staff of highly qualified cultural resource specialists and no in-depth participation in the planning process by the council staff or SHPO is anticipated. It is to be expected, however, that the scoping process will reveal a few highly complex or highly controversial undertakings in which the council staff or SHPO will wish to actively participate and aid the Service in evaluating the significance of alternative actions affecting cultural resources.

The council is normally the only federal agency to which the Service sends its environmental documents for review of cultural resource issues. When the Service has not selected a preferred course of action in the environmental document, it may seek the cultural resource expertise and advice of the council staff on each alternative presented. These staff opinions, along with those from other agency disciplines, are then taken into consideration in the selection of a preferred alternative, and should not be confused with the council's formal opportunity to comment under section 106, which can also be requested for each alternative if desired.

Final environmental documents of the Service are required to show evidence of compliance with section 106 of the National Historic Preservation Act. Pursuing this compliance during the planning process, rather than at the end of it, should ensure that formal procedures will not cause undue delays in the planning process.

The procedures under a PMOA are alternative procedures and can only be used by regions authorized by the assistant director for cultural resources management. Authorized regions must have a regional archeologist, regional historian, regional historical architect and regional curator. Continued vacancy of any of these positions cancels approval to use PMOA procedures.

Procedures for Complying with the 1981 PMOA for Preservation Maintenance and the Energy Program

Preservation maintenance actions should be described on the XXX form and submitted for regional review and certification in accordance with the preceeding section.

Standards and guidelines for energy program projects are described fully in chapter 5. Projects should be described on the XXX form and submitted for regional review and certification.

UNDERTAKINGS BY OTHER AGENCIES AFFECTING SERVICE HISTORIC PROPERTIES

All Service personnel should be alert to projects conducted, funded, or licensed by other federal agencies that may affect Service historic properties. When a park superintendent becomes aware of such a project, he or she shall consult with the appropriate SHPO and determine whether the agency involved has complied with Advisory Council regulations and has considered the values of the affected property. If compliance appears lacking or inadequate, the regional director with jurisdiction must report the case to the associate director for cultural resources management. The report must include the name of the Register property affected, a description of the undertaking, the nature and extent of the effect, the name of the responsible federal agency and the nature of its involvement, and any other pertinent information. As the Service's federal representative, the associate director is reponsible for liaison with the Advisory Council.

AMENDING THIS GUIDELINE

TASK FORCE MEMBERSHIP AND PROCEDURES

At the direction of the associate director for cultural resources management, Washington, this guideline was prepared by an interdisciplinary task force representing offices concerned with cultural resources management at the park, region, center, and Washington office levels, in consultation with other staff servicewide.

An amendment is any change or addition to a guideline. It is the responsibility of the associate director for cultural resources management to initiate all amendments to this guideline and to call the annual task force.

The guideline is to be reviewed annually, and revised as necessary, by a task force established especially for that purpose. Each year's task force is to include five members, one of whom is to be a park manager, representing the disciplines of history, archeology, historic architecture, museology, and writing/editing. Members serve for two years to provide continuity in the oversight of the guideline.

Task force membership will be determined in the following manner. At the beginning of each odd-numbered fiscal year, the associate director for cultural resources management will ask two members of the prior year's task force to each submit names of two other persons known to be interested in participating in the new year's effort. From this list, the associate director will select two replacement members, after consultation with their supervisors. At the beginning of each even-numbered fiscal year, the same process will apply except that three members of the prior year's task force will each submit two names and three replacement members will be selected.

In all years, the associate director will invite the Advisory Council on Historic Preservation to participate in the work of the task force. In addition, the associate director will each year name a chair, not necessarily from the members.

The task force will meet as determined by the chair. Requests for recommendations from the parks, regional and Washington offices, centers, and the Advisory Council on Historic Preservation will be solicited prior to the first meeting. Written communications from all National Park Service staff will be considered by the task force.

Amendments are to be completed prior to August 30 of each year. The completed amended guideline will then be transmitted to the associate director for cultural resources management for review and, after approval, processing in accordance with NPS-1, chapter 6.

The guideline, as amended, is subject to review and concurrence by the Advisory Council on Historic Preservation and the National Conference of

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State Historic Preservation Officers for purposes of the programmatic memorandums of agreement between the Advisory Council, the National Park Service, and the National Conference.

The process described in this chapter shall continue until the associate director for cultural resources management determines this guideline is no longer valid and must be completely rewritten.

PROCEDURE FOR COMMENT BY NON-TASK FORCE MEMBERS

To assure the continuing involvement by all concerned with cultural resources management at the park, regional, center, and Washington office levels, the following memorandum forms are included. As you, the users, find inadequacies, omissions, or problems with the guideline, take the time and use the form to forward your recommendations for needed changes or additions to the associate director for cultural resources management, WASO.

Each year's task force is committed to addressing all written concerns and criticisms.

March 3, 1849

United States Department of the Interior

NATIONAL PARK SERVICE
WASHINGTON, D.C. 20240

IN REPLY REFER TO:

Memorandum

To: Associate Director, Cultural Resources Management, WASO-400

From:

Subject: NPS-28 Recommendations

Reference: ______________________________
chapter, appendix, page

Comments:

United States Department of the Interior

NATIONAL PARK SERVICE
WASHINGTON, D.C. 20240

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chapter, appendix, page

APPENDIXES

APPENDIX A: PREPARING A CULTURAL RESOURCES MANAGEMENT PROGRAM

INTRODUCTION

The two essential parts of the cultural resources management program are an overview and analysis section and a series of individual cultural resources project statements.

OVERVIEW AND ANALYSIS

This section defines and briefly describes the park's resources, how they are currently being managed, and the information base for them. Items to consider should include, but are not limited to, the status and completeness of the cultural resources inventory, the sociocultural resources inventory, the List of Classified Structures, the National Catalog of Museum Objects, and of National Register listings (complete or incomplete), and the adequacy of research for resource preservation, management decisions, and interpretive purposes. Detailed or voluminous data can be included by reference to the cultural resources management plan or other document.

This section will require analysis of existing cultural resources management information, evaluation of the physical condition of the park's resources, and the projection of research and management needs. Deficiencies that become apparent in preparation of the overview should be converted to project proposals in the second section.

CULTURAL RESOURCES PROJECT STATEMENTS

This section consists of a series of project proposals designed to expand the park's information base and correct deficiencies in the preservation and protection of cultural resources. All projects will be entered on 10-237s or 10-238s, as appropriate, and entered into the budgetary program. The current Outline of Park Requirements will assist in identifying projects, although additional entries should be added if deemed necessary.

Project statements are problem-oriented and should be relatively specific. In the process of identifying deficiencies (or problems), parks should consider such resource management issues as collections, interpretation, protection, resource inventories, building or site treatment, historic scene, adaptive use, furnishings, and research.

Each problem area within a park must be addressed within a separate project statement that includes four parts:

Park Code, Project Number, and Project Title. Park code (four letters), project number (in no order of priority but not to be

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changed or duplicated once established, and each must begin with C for cultural resources), and a project title (full title, although a shorter title can be used on the programming sheets) is necessary for project identification. For example, the first cultural resources project listed for Mesa Verde National Park's program would be numbered MEVE-C1 (title).

Problem Statement. There should be a problem statement which defines the deficiency to be corrected and identifies the causes.

Alternative Solutions and their Probable Impacts. If proposals have already undergone legislative compliance review and been approved as part of the general management plan, this section is unneccessary except to document compliance with the National Historic Preservation Act and the National Environmental Policy Act.

If, however, the environmental assessment shows that previously approved actions may cumulatively present significant environmental impact or un-resolved conflicts in resource management or use in any resource category (e.g., archeological resources), alternatives should be explored. If alternative solutions are to be evaluated, they should include all actions (including the proposed alternative) that could reasonably be considered for addressing the issue or problem, along with each alternative's strengths and weaknesses in light of the park's resource managment objectives and mandates, and narrative descriptions of the environmental impact and other consequences of each alternative. These narrative descriptions of environmental impact should be thorough and complete, so as to support the separate EA. Include a "no action" alternative for each project statement in which alternatives are evaluated.

Recommended Course of Action. Identify and discuss in further detail the alternative that is recommended for implementation and the rationale for its selection. This proposed action (plus any alternatives evaluated) should also appear in the environmental assessment.

All projects must fit realistically into the 5-year program, although long-range research needs should also be identified. Each project statement should begin on a separate page so that the plan can be revised and updated.

Project statements should include all proposed undertakings that are resource manipulative and are contained in approved planning documents, but have not been funded.

APPENDIX B: PREPARING A CULTURAL RESOURCES PRESERVATION GUIDE

The cultural resources preservation guide is to contain the following. as applicable:

brief analysis of the park's surroundings, location, and topography as they relate to cultural resources management

summary of the park's historical or archeological context, including a statement of historical significance and applicable archeological, historical, historic architectural, and anthropological research themes and associations

statement of legislative context, including the original justification for the park's creation and the intent of Congress or the President in regard to resource managment.

statement of selected treatment (preservation, restoration, etc.) to include brief rationale; if restoration is the selected treatment, a discussion of, and the reasoning for, a target date is appropriate

detailed instructions for maintaining historic buildings and other structures not covered by historic structure preservation guides, which must meet the same standards as historic structure preservation guides; most major or complex structures need specific individual preservation guides (pertinent historic structure preservation guides are to incorporated by reference when completed)

instructions for protecting and preserving archeological sites

reference to the park's collecton preservation guide; if there is a museum collection but no collection preservation guide, the CRPG is to contain park-specific instructions for the preservaton of historic objects, books, and documents which must be consistent with the NPS "Museum Handbook" and the standards for management of historic objects and documents in chapter 2 of this guideline

statement of authenticity relevant to furnished historic structures; analysis of refurnished historic structures should discuss use of original objects, use of period pieces, etc.

instructions for the preservation of the historic scene, setting, landscape, vegetation (including mowing plans), roads, and trails historic in their own right or associated with other cultural resources

schedule and procedures for monitoring natural and human impacts on cultural resources and for preservation treatments; periodic review will enable timely corrective measures monitoring systems coordinated with and in accordance with appropriate national or international standards

special guidelines needed for the protection of ongoing sociocultural activities

analysis of special problems affecting cultural resources preservation at the park, with suggested corrective measures

The CRPG is to be reviewed annually and revised as necessary.

Pertinent cultural resources studies are to be completed and their relevent findings incorporated.

The CRPG must be subjected to review and comment under applicable section 106 procedures if it differs in tone and direction from the GMP or if no document has been approved for the purposes of a programmatic memorandum of agreement.

APPENDIX C: PREPARING A HISTORIC STRUCTURE PRESERVATION GUIDE

Historic structure preservation guides are working documents. They are produced in loose-leaf format with the pages dated so they can be updated whenever necessary without reprinting the entire document.

In order to develop a usable plan, park maintenance personnel, a historical architect, anthropologist/archeologist, historian, and a curator (if appropriate) must play an active part in its formulation. The following procedures for developing an HSPG are to be used:

> As a first step, a historical architect, an anthropologist, a curator, and historian (as appropriate) will assemble basic inspection and preservation instructions, material specifications, and prepare or modify as-built drawings and other pertinent reference materials.
>
> Upon completion of an initial draft of the above documents, the specialists and the park staff will meet at the site. It is important that all members of the park staff concerned with the use as well as the preservation of the resources participate so that all are aware of what the HSPG is, what it contains, and how it is to be used. Copies of the draft will be forwarded to the park before the meeting, and attendees will be expected to suggest additions, changes, or deletions.
>
> Upon receipt of the initial draft of the guide, the park staff is to draft a cyclic preservation maintenance schedule based on it. This document can be reviewed when the specialists visit the site.
>
> Based on the revised draft of the guide resulting from the above meeting, the document is to be completed and submitted for park concurrence and regional approval.

PREPARATION

The guides contain three major sections: instructions, schedules, and reference materials.

INSTRUCTIONS - SECTION 1

The instructions section is organized in the Construction Specification Institute's format, with some modifications. That format provides 16 subject divisions (e.g., concrete, wood and plastics), with topic headings under each subject for specific items. The complete listing follows.

Division 1 provides general data, references, and instructions pertaining to the guide, including background information and the rationale for treatment of the structure(s) (topic 01000), a brief explanation of pertinent legal/policy constraints and procedures governing the preservation of resources (topics 01100, 01200, 01250), and general instructions on the formulation and use of maintenance and inspection schedules (topics 01300, 01400). A list of references is included at the end of this division (topic 01800).

Divisions 2-16 contain the body of the instructions. Division 12 includes the housekeeping of furnishings contained within a given structure. Particular attention may be given to Section 12700 entitled "Historic Equipment." This refers to such items as stoves, fixtures, utilities, etc., that are retained for display purposes and which may or may not be in active use. All non-historic equipment which is contained within the structure for active use would be contained in Divisions 11 and 13-16 as appropriate.

Each division is organized by relevant CSI topic headings, and each topic is further divided into three parts, as follows:

Inspection Instructions

Inspection instructions cover what to inspect, what to look for in terms of unsatisfactory conditions, and, where appropriate, some quantifying factors (such as how much paint deterioration is permissible before repainting). Note that the inspection instructions are not the same as the inspection schedule (see "Schedules," Section 2).

Preservation Instructions

This part contains instructions on the various preservation activities. Activities are divided into three basic categories: housekeeping, routine maintenance, and cyclic maintenance. Housekeeping is the removal of undesirable or harmful deposits of soil or dirt. Routine maintenance consists mostly of service activities like tightening, adjusting, and oiling. Housekeeping and routine maintenance treatment are performed more frequently than annually and funded from the park base account. Cyclic preservation treatment usually involves replacement or at least mending of the structural fabric. It is performed less frequently than annually and is funded from the regional cultural resources cyclic maintenance account.

Materials Specifications

This part specifies the materials and, where necessary, the tools needed to carry out preservation instructions.

The following table contains the current division listings.

CSI 16-Division Format

Division 1	General
01000	Introduction
01100	Laws
01200	Policies
01250	Procedures (e.g., Advisory Council review and comment)
01300	Inspection schedules
01400	Cyclic preservation maintenance schedule
01500	Safety
01550	Security
01564	Pest control
01630	Storage
01720	Records
01800	Bibliography (references)

Division 2	Site
02500	Site drainage
02610	Roads
02620	Curbs and gutters
02630	Walks
02710	Fences and gates
02750	Landscape watering system
02760	Site furnishings
02820	Lawns and ground cover
02830	Trees and shrubs
02840	Flowers and vegetable gardens

Division 3	Concrete
03150	Expansion and contraction joints
03300	Cast-in-place concrete
03360	Specially placed concrete
03400	Precast concrete

Division 4	Masonry
04110	Mud mortar
04120	Lime mortar
04130	Cement mortar
04140	Premixed mortar
04150	Chemically amended mortars (e.g., epoxies, acrylics, etc.)
04210	Brick masonry
04212	Adobe masonry
04410	Rough stone
04420	Dressed stone
04450	Stone veneer

Division 5	Metals
05100	Structural metal framing
05200	Metal joists
05300	Metal decking
05400	Lightguage metal framing
05500	Metal fabrications
05700	Ornamental metal

Division 6	Wood and Plastics
06110	Framing and sheathing
06220	Millwork and trim
06410	Cabinet work
06420	Wood paneling
06430	Wood stairs
06440	Wood flooring
06450	Ceilings

Division 7	Thermal and Moisture Protection
07200	Insulation
07300	Shingles
07350	Roofing tiles
07400	Siding
07500	Membrane roofing
07610	Sheet metal roofing
07620	Flashing and trim
07630	Gutters and downspouts
07660	Gravel stops
07810	Skylights
07830	Hatches

Division 8	Doors and Windows
08100	Metal doors
08200	Wood doors
08390	Screen and storm doors
08500	Metal windows
08600	Wood windows
08650	Screened openings
08700	Hardware
08800	Glazing

Division 9	Finishes
09100	Lath and plaster
09200	Wallboard
09300	Tile
09650	Resilient flooring
09680	Carpeting
09900	Painting
09950	Wall covering

Division 10	Specialties
10200	Louvers and vents
10300	Fireplaces
10440	Signs

Division 11	Equipment
11970	Audiovisual equipment

Division 12	Furnishings
12100	Artwork
12500	Window treatments
12600	Furniture
12670	Floor coverings
12700	Historic equipment
12800	Furnishings accessories

Division 13	Special Structures
13850	Swimming pool

Division 14	Conveying Systems
14100	Dumbwaiters
14200	Elevators
14500	Chutes

Division 15	Mechanical
15200	Water supply system
15300	Wastewater disposal system
15500	Fire protection systems
15600	Heating/cooling systems

Division 16	Electrical
16100	Basic wiring system
16500	Lighting
16610	Lighting protection
16720	Alarm and detection systems
16740	Telephones
16850	Portable electric heating/ cooling equipment
16900	Controls and instrumentation

SCHEDULES - SECTION 2

Two basic types of schedules are contained in the historic structure preservation guide: the cyclic preservation maintenance schedule and the inspection schedule(s).

Cyclic Preservation Maintenance Schedule. This park schedule includes all of the preservation activities required under the instructions. Factors that should be considered in scheduling these activities include

frequency

location (Is the work to be performed in situ or in a shop or other special facility?)

time (preparation and cleanup, transportation, actual task time)

material (type, amount, stock)

equipment (type, amount, frequency of use, rental or purchase)

space (type and amount available or needed)

personnel (maintenance and supervisory, permanent, seasonal, part-time, day labor, skills required)

assistance (tests and research, plans and specifications, training)

costs (initial and recurring)

how to accomplish (in-house vs. service contract, etc.)

priority (condition, health/safety, budget constraints, operations, appearance)

Inspection Schedule. Inspection schedules are prepared by a historical architect or curator. They are included on a computerized form that lists the primary elements of the structure and furnishings to be inspected at a given time and references specific instructions as required.

Individual inspection schedules can be annual, seasonal, quarterly, monthly, weekly, daily, random, or on special occasions. Annual, seasonal, or quarterly inspections require that an inspection report be completed and returned to the regional office. Sample pages of an inspection report are attached.

The schedules are organized to permit, insofar as possible, sequential checking of items, resulting in the least physical effort and most efficient completion of the task. For instance, all inspection items relating to the facade are listed by elevation so that the inspector will not have to continually circle a building while checking off each item. The sequence of items to be inspected generally goes from the grounds to the exterior to the interior of a building and from the bottom to the top of that building.

Schedule Organization

The basic organization of the schedules is as follows:

- general
- site
- structures (building by building)
- subfloor
- elevations (items listed from bottom to top)
  - north
  - northeast
  - east
  - southeast
  - south
  - southwest
  - west
  - northwest
- roof
- interior
- rooms (room by room, in walk-through sequence, inspection items listed bottom to top by elevation)
- attic

If an item is satisfactory, a notation to that effect is recorded. If an item is deficient, that deficiency shall be noted, as well as any appropriate remarks on special requirements. If special funding is required to repair the deficiency, an estimate of the necessary funds is included on the form to be used by the region in its financial plans.

REFERENCE MATERIALS - SECTION 3

This section contains or references pertinent documents and other materials needed to complete and record work as it is done on the structure. It may include the following:

- individual building data (form 10-768, record of work on structure)
- construction and shop drawings
- specifications
- completion reports
- job order requests (form 10-577)
- purchase orders (SF-147)
- photographs
- munsell color chips and/or Trichromatic coefficients

wallpaper and other samples
operating manuals
warranties, guarantees, bonds, etc
service contracts
emergency plans and procedures

Maintenance inspection forms are being developed and will be published later.

APPENDIX D: PREPARING A COLLECTION PRESERVATION GUIDE

Steps in preparation are:

a park sends the regional curator a request that a guide be prepared for its collection

the regional curators submit an annual, prioritized list of parks that need and have requested guides to the Branch of Curatorial Services at Harpers Ferry Center (for those guides that will be coordinated by that office); the Branch of Curatorial Services prepares a schedule based on the regional priority lists and available funding

a team, usually composed of a curator and a conservator from the Division of Museum Services, the regional curator, and appropriate park personnel, evaluates the condition of the museum collection; this onsite evaluation takes from two days to one week.

the curator assembles information obtained during the field evaluation and the input of the other team members and formulates a draft

the initial draft is circulated for review to the team members, the chief, Branch of Curatorial Services; chief, Division of Museum Services; and the chief curator; it will be revised as necessary

the revised, completed guide is sent to the regional office for distribution to the park

Collection preservation guides are divided into sections, each of which discusses a specific curatorial topic that is relevant to that particular park. The number of sections depends on the number of curatorial topics covered in the guide. Generally, they include the following: the collection, museum records, museum storage, museum exhibits, museum security, and museum personnel.

The description of the museum collection identifies what types of objects are included, their significance, pertinent history, and the general condition of the objects at the time of the evaluation.

The other sections describe the collection as it relates to each specific topic. Appropriate NPS museum standards are then mentioned and reference is made to suitable sections in the "Museum Handbook," NPS "Management Policies," and relevant NPS guidelines. Solutions are proposed that will meet the special needs of the particular park to achieve NPS museum standards.

Specific tasks are outlined, and materials that may be needed to achieve the intended result are suggested. More detailed information is located in the guide's appendix, and other museum-related books and periodicals are referenced.

Two maintenance schedules are usually included in a collection maintenance guide, one for objects in storage and one for objects on exhibit. These maintenance schedules are prepared by a curator with input from conservators, and they list the primary curatorial work elements that need to be done regularly. Specific instructions or information are included in the appendix or referenced, so the person using the schedule must be familiar with the curatorial information given in the text and the appendix.

Individual schedules will be created according to the special needs of the park. Maintenance can be scheduled biennially, annually, semiannually, quarterly, monthly, weekly, or daily. These schedules are included where necessary within the guide.

The appendixes contain documents or other materials that are needed for frequent or direct reference. This section may include copies of the following:

appropriate NPS museum standards, such as sections of the "Management Policies," NPS guidelines, and special directives

park memorandums or documents related to the museum collection

related "Conserve-O-Grams"

related articles, sections from books, and other technical information

drawings and specifications

photographs

lists of materials and their sources

sample requisitions

position descriptions and staffing charts

guide to using collection maintenance schedules

emergency plans and procedures

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APPENDIX E: PREPARING A HISTORIC RESOURCE STUDY

A historic resource study includes some or all of the following elements:

an up-to-date study and synthesis of relevant historical data

an evaluation of historic resources in the context of the relevant time frames, the surrounding region, and applicable historic themes

an evaluation of the level of existing knowledge of the resources measured against accepted professional standards

identification of continuing deficiencies in the inventory, study, evaluation, and treatment of the resources, and recommendations for correcting them

a historical base map showing areas inventoried for historical resources and architectural or landscape features, drawn to a usable scale and of as many sheets as necessary; all data shown is to be documented in the study

completed National Register forms for all the resources believed to meet the criteria of eligibiliy for the National Register of Historic Places, and any necessary revised forms for previously nominated resources

recommendations and required data for the Cultural Sites Inventory, the List of Classified Structures, and the National Catalog of Historic Objects, as necessary

an evaluation of historic values not represented by tangible sites or remains

an annotated bibliography of source material, including all previous research, surveys, and reports

recommendations for the documentation, cataloging, conservation, and storage of any objects, documents, records, photographs, negatives, and tapes collected or produced as a result of the study

See also NPS-6 and chapter 5 of the "Management Policies."

APPENDIX F: PREPARING A HISTORIC STRUCTURE REPORT

Each historic structure report must include three elements.

The first element is an administrative data section, prepared by or with the park superintendent, that contains

> the name, number, management category, and proposed treatment of the structure, as recorded in the List of Classified Structures
>
> the proposed use of the structure
>
> identification of the planning document proposing the treatment and use (normally the general management plan, the cultural resources management plan, and the interpretive prospectus), cooperative agreements, and any other documents bearing on the proposed management, furnishing, and use of the structure
>
> a justification of the proposed treatment, if restoration or reconstruction, in terms of the applicable criteria in the "Management Policies" and NPS-28 and the characteristics and the limitations of the resource
>
> any recommended change in the proposed treatment or use based on the degree of documentary or physical evidence, the condition of the structure, or other professional findings in the completed analysis section
>
> recommendations for the documentation, cataloging, conservation, and storage of any objects, documents, records, photographs, negatives, and tapes collected or produced as a result of the study

The second element is a physical history and analysis section, prepared by appropriate cultural resources specialists, usually under the direction of a historical architect or historian, that contains

> a statement of the anthropological/archeological, historical, or architectural/engineering significance of the structure and its setting (including associated aboveground and subsurface features and their relationship to national, regional, or local history)
>
> a narrative and graphic description of the appearance, occupation, and use of the structure and its setting during significant periods or over time, based on a documentary and oral historical evidence, physical evidence from architectural fabric investigation, and any archeological investigation; all sources of information and data must be cited
>
> a description and record of existing conditions, using measured drawings, photography, or other appropriate means

an evaluation of the impact of the proposed use on the integrity of the structure, including the effect of compliance with regulations for human safety, energy conservation, handicapped access, etc.

an engineering report on safety and load-bearing limits of the structure as warranted by the proposed use or apparent condition

an identification and analysis of significant material, structural, natural, environmental, and human factors affecting preservation of the structure and recommended measures to deal with them, including any constraints on proposed use

the recommended steps for preservation, restoration or reconstruction; a discussion of the basis for such recommendations; and preliminary drawings and engineering designs

an analysis of the impact of the proposed action on the structure and its contents (if any) in accordance with 36 CFR 800.3, and on other affected cultural resources and the historic scene, with recommendations to avoid or mitigate any potential adverse effects

an updated package estimating detail (form 10-802) providing cost estimates to carry out recommendations, prepared and reviewed by the appropriate specialists

a recommendation for further study in support of the proposed treatment project, if necessary, with suggested sources

The third and last element is an appendix that contains

a record of all fabric analyses performed (paint, mortar, etc.) listing basic data with specific recommendations for treatment

an assessment of future anthropological/archeological, historical, and/or architectural/engineering research potential

records of any documentary data such as furnishings evidence, found during the investigation that are pertinent to the structure or setting but not to the treatment project for which the report was funded; comprehensive collections of data should be undertaken under separately funded studies (see the discussion below)

an annotated bibliography of sources

Data obtained during treatment and not previously included in the historic structure report should be presented in an addendum to the report. Further addenda are appropriate whenever new data become available.

During the course of research for a historic structure report, it may be economical or desirable to gather data not specifically needed to support the treatment project. Such data on a structure, its occupants, its grounds, and/or its furnishings may be desired for interpretive or other purposes. When such is the case, the park should program for a historic resources study, historic grounds report, and/or historic furnishing report in conjunction with the HSR and should request funding from an appropriate source.

APPENDIX G: PREPARING A HISTORIC FURNISHINGS REPORT

Each HFR must include two sections: administrative data and historical data. If the structure includes furnishings or if the research supports refurnishing, a third section, implementation, is needed.

The administrative data section will contain

the name, number, management category, and approved treatment of the structure, as recorded in the List of Classified Structures

the location and proposed use of the structure and identification of planning documents, cooperative agreements, and other documents bearing on the furnishing, management, and use of the structure

a statement of the interpretive objective to be achieved by refurnishing the structure

the operating plan for the structure, including visitor circulation, staffing, security and safety requirements, other interpretive media to be used, expected visitation, and an estimate of the annual operating costs

recommendations, as necessary for the storage of documents, records, photographic materials, tapes, or other materials resulting from the study

The historical data section will contain

an analysis of historic occupancy, presenting available data on the occupants, their economic and social status, their interests and activities, and their personal tastes, insofar as these topics bear on the furnishing of the spaces

any evidence relating to the original furnishings from documentary and oral sources and from a physical investigation of the structure and the present or last known location of any original furnishings

especially significant documents are to be presented in facsimile rather than in transcribed form.

upon completion of the research, any recommended changes in the proposed refurnishing that are based on (a) the documentary or physical evidence of the furnishings and their placement, and (b) other professional findings and recommendations

If the structure is to be refurnished, an implementation section will contain recommendations, as necessary, on cataloging, conservation, installation, maintenance, room barriers and other protective measures, atmospheric control and lighting systems, and on seasonal changes of use of all materials resulting from the study

a description of recommended furnishings, with documentation for each item; floor plans and elevations for each room showing the proposed locations of the furnishings; estimates of acquisition and refurnishing costs; and suggested sources

Following acquisition and installation of most of the furnishings, a progress report must be prepared. It should include checklists of furnishings acquired, still-to-be acquired, and recommendations for changes in the plan based on operating experience. When approved by the regional director, this report will become an addendum to the approved furnishing report until it is superceded by the completion report that is to be prepared when all furnishings have been acquired.

APPENDIX H: PREPARING AN LCS FIELD INVENTORY REPORT

THE LIST OF CLASSIFIED STRUCTURES ENTRY FORMAT

The following information should be recorded on every LCS field inventory report, using the format shown at the end of the chapter.

Structure Name - The appropriate historic or prehistoric name, including both the associated name and functional title when known, unless established local usage or preference is so overwhelming as to justify the use of some other name.

Structure Number - The park structure number or (if there is no park assignment) a number assigned by the region. This number, which should not exceed six characters including punctuation marks, determines the order of listing on the printout and should always be used with the structure name.

Identification Number - The computer number assigned by WASO.

National Register Status - The status of National Register nomination process and date of decision:

1 = Entered - Documented
2 = Entered - Undocumented
3 = Determined eligible - Keeper
4 = Determined ineligible - Keeper
5 = Determined eligible - SHPO
6 = Determined ineligible - SHPO
0 = Undetermined

Management Category - See text following this "format" section.

Legal Interest - The legal interest of the Service:

FEE = Fee simple
FER = Fee simple - reservation (specify date of expiration or life)
LTF = Less than fee
NOF = None - other federal agency owned (specify agency)
NOL = None - local government owned (specify government)
NOP = None privately owned

Management Agreement - The management agreement to which the Service is a party regarding the structure:

CA = Cooperative agreement
SU = Special use permit
CC = Concession contract
LL = Lease
NO = None
OT = Other (specify)

Treatment Responsibility - The treatment responsibility of the Service:

- Stabilization
- Housekeeping and routine maintenance
- Cyclic maintenance
- Approved ultimate treatment

Approved Ultimate Treatment - The ultimate treatment of the structure that has been decided through the planning process and approved by the regional director or WASO:

PP = Preservaton
RR = Restoration
CC = Reconstruction
AP = Adaptive preservation
AR = Adaptive restoration
AC = Adaptive reconstruction
NG = Neglect
RM = Removal
NO = No approved treatment

Approval Document - The planning document or WASO memorandum which notes the approved treatment, and the date of the document:

1 = GMP
2 = CRM Plan
3 = HSR
4 = WASO neglect/removal memorandum

Stabilization Cost - The estimated cost to the Service to stabilize the structure, excluding the cost of professional services. The month and year of the estimate is noted. Zero in this category indicates that the structure does not require stabilization work.

Approved Ultimate Treatment Cost - The estimated cost to the Service to perform the approved ultimate treatment, excluding the cost of professional services. The level of the estimate (A-Working Drawings, B-Preliminary Plans or HSR, C-Similar Facilities), the estimator (DSC, REG, A&E), and the month and year of the estimate are noted. Zero in this category indicates that the treatment has been completed. A class 'C' estimate is better than no estimate.

Period of Construction - The primary period of construction:

PH = Prehistoric
HI = Historic
BO = Prehistoric and historic

Composition - The primary envelope material:

The current classifications are:
AD = Adobe
BK = Brick
CO = Concrete
EA = Earth
LG = Log
MT = Metal
ST = Stone
WD = Wood
OT = Other (specify)

Type of Structure - The primary functional structure type. The current classifications are:

BU = Building
FT = Fortification
MN = Monument/memorial/statue
ES = Engineering structure
BR = Bridge
CA = Canal
DA = Dam
WC = Water control
MI = Mine
RR = Railroad
MD = Mound
RU = Prehistoric ruin
CM = Cemetery
FE = Fence
GA = Garden
LS = Formal landscape
RD = Road
SS = Ship
TM = Tomb
WA = Wall
WF = Wharf/dock
OT = Other (specify)

Current Interior Use - The current primary interior use (not proposed future use):

CM = Museum/collection storage
CF = Historically furnished rooms
VC = Visitor contact

VF = Food service
VV = Lodging
NA = Office
NM = Maintenance
NQ = NPS quarters
OO = Vacant
OT = Other (specify)
ZZ = No potential interior use

Removal Method - The method or cause of removal of the structure and date of action. After this information has been recorded, these structures can be excluded from the report (computor printout). It is also possible to obtain complete LCS lists, including structures that have been removed. The classifications are:

DE = Demolished
CO = Collapsed
BU = Burned
NP = Natural process - such as erosion, flood, earthquake
MO = Moved
OT = Other (specify)

Comment - A more detailed physical description or other additional information.

EXPLANATION OF MANAGEMENT CATEGORIES

Management Category is a letter designation that represents a compilation of legislative mandates and policy considerations. Regional cultural resources specialists work with park staffs to classify structures based on established criteria. The associate director for cultural resources management, Washington, is responsible for resolving any differences between park management and regional specialists before final approval of the management categories by the regional director.

All structures on the LCS are considered historic properties as defined in chapter 1. All actions affecting them are subject to review using the XXX form.

Each prehistoric and historic structure on the LCS is assigned to one of the following management categories based on the evaluation of significance, use, condition, and location:

A - Structures that must be preserved and maintained
B - Structures that should be preserved and maintained
C - Structures that may be preserved and maintained
D - Structures that may be disposed of, demolished, or altered for some other management purpose

Management categories are used to identify groups of structures for programming and prioritizing preservation projects; for example, all category A structures should be in maintenance condition before major work on category B and C structures is undertaken. Category D does not negate or replace the compliance responsibilities of section 106 of the National Historic Preservation Act (amended 1980) or NPS-28, chapter 5, "Removal, Major Alteration, or Neglect of Structures."

Structures forming ensembles that are functionally and visually related are considered collectively. For example, a cemetery includes not only the tombstones and monuments, but also the road system, landscape planting, walls or fences, gates, lodge buildings, and storage and work buildings--all important to the complex's prime resource. In some cases, structures ancillary to a category A structure will be in Category B or C. For example, where it may not be possible to preserve all outbuildings, but it is desirable to preserve the sense of the complex, place the outbuildings as a group in category B. In some situations, the relationship of several complexes may be an essential element of the historic scene and the physical and visual environment.

Category A: Structures that Must be Preserved and Maintained

Management is required to preserve and maintain structures in categories of significance 1a and 1b as described in the "Management Policies" (chapter 5, pp. 3-4). These include all structures directly or indirectly related to the purpose or prime theme of the park and structures whose preservation has been legislatively mandated. Structures in category A include prime structures recognized as nationally significant to historic or prehistoric events, personages, themes, or cultural eras or for reasons of design, construction, or craftsmanship, style, or type, including surviving structures with integrity of fabric or structures that are significantly expressive of a typical period, style, type, or use of structure. Structures not recognized as nationally significant, but contributing to a nationally significant theme or purpose of a park or planned zone or district within the park will also be Category A. Monuments, statues, markers, tombs, gravestones, etc. are also generally in category A, as are structures significant to the history or architecture of the National Park System.

Generally, prehistoric or aboriginal structures are in category A. These structures or ruins of structures are unique resources. They are normally part of more complex sites or groups of sites, thus their contribution to the whole district should be considered in their management.

Structures meeting any of the following criteria must be classified in category A:

The structure's preservation is specifically mandated by legislation.

> The structure is directly or indirectly related to the area's legislatively defined significance through association with persons, events, historic scene, or monumentation.
>
> The structure is nationally significant as defined by national historic landmark criteria.
>
> The structure is of less than national significance but contributes to a nationally significant theme or purpose in a park.
>
> The structure is an aboriginal ruin significantly characteristic of a cultural type, adaptation, trend, or institution.

Category B: Structures that Should be Preserved and Maintained

Management should preserve and maintain structures in categories of significance 2a and 2b. These structures are individually or collectively elements of secondary park themes that are interpreted or could be interpreted. Also in category B are historic structures of regional, state, or local significance that can be used for park support activities or can be leased for original use or adapted for new uses.

Structures must meet all of the following criteria to be classified category B (a failure to meet any of the conditions would move it to a lower category):

> The structure meets National Register criteria individually or as part of a network, district, or multiple resource.
>
> The structure is not incompatible with a primary park theme.
>
> The structure has a continuing or potential use benefitting the park or a leased operation, based upon design, condition, location, and use.

Category C: Structures that May be Preserved and Maintained

Structures that may be preserved and maintained include those representing regional or local historic or prehistoric events, personages, themes, or cultural eras that are of minor significance; those that make unsubstantial contributions to any cultural theme; or those typical of a period, style, type, or use but of undistinguished design, construction, or craftsmanship. This category also includes structures that are inaccessible for protection or use, lacking integrity of fabric, or are in an advanced state of deterioration. Structures in category C may include those that in another location or condition could be in category B, or components or structures in a complex in category A. Also in this category are structures in lowest priority for funding that could remain in place pending future availability of funds.

Either of the following conditions places the structure in category C:

> The structure meets National Register criteria but because of condition, location, or other factors does not qualify under B.
>
> The structure is of less than National Register significance but one whose preservation is desirable to meet management needs.

Category D: Structures that May Be or Have Been Disposed Of; Demolished; Destroyed by Natural Forces, Catastrophe, or Accident; or Altered for Some Other Management Purpose

A structure that meets any of the following criteria may be placed in category D (all entries in category D, including structures that have been lost or disposed of, remain on the LCS to record their removal and as a reference to the site):

> The structure is an irreparable hazard to public health and safety.
>
> The structure has lost all significance or integrity.
>
> The structure is a physical or visual intrusion on a prime park value.
>
> The structure has been lost by natural catastrophe or disposed of by planned action.

All actions for disposal must follow prescribed procedures and approvals using the XXX form and review process. Since entries on the LCS are made following professional evaluation based on established criteria, change in the category of a property on the LCS requires reevaluation of the structure by concerned regional cultural resources specialists in consultation with the appropriate state historic preservation officer and submission by the regional director (with all documentation and recommendation) for review by the associate director for cultural resources management, Washington.

Entries for structures missed in previous inventories or for newly acquired properties are made in a field inventory report, including a recommended management category and photograph, submitted by the regional office to the associate director for cultural resources management, Washington.

Ruins of aboveground prehistoric and historic structures known or suspected to exist below ground are not listed on the LCS. These are considered part of the cultural sites inventory. The criteria for the cultural sites inventory are being developed, but in the interim, all such properties must be managed as historic properties.

revised 3/81

CLASSIFIED STRUCTURE FIELD INVENTORY REPORT

(Attach 4" x 5" B & W Photo)

REGION ______________ PARK/AREA NAME ________________________ PARK NUMBER ____________

STRUCTURE NAME ________________________________ STRUCTURE NUMBER ____________

LOCATION OF STRUCTURE ____

( ) NAT'L REGISTER: ____________ date: ________ mm/dd/yy MANAGEMENT CATEGORY: (A) (B) (C) (D

( ) NPS LEGAL INTEREST: ________________ MGMT AGREEMENT: ________________ (

Check all of the following categories for which NPS has treatment responsibility:

Stabilization( ) Cyclic maintenance( ) Routine maintenance( ) Approved ultimate treatment(

APPROVED ULTIMATE TREATMENT:

Preservation	(PP)	Restoration	(RR)	Reconstruction	(CC)
Adaptive Preservation	(AP)	Adaptive Restoration	(AR)	Adaptive Reconstruction	(AC)
Neglect	(NG)	Remove	(RM)	No Approved Treatment	(NO)

Approval document: ________________________ ( ) Document date: ________ mm/dd/yy

Estimated Treatment Costs:

			Level of Estimate:	Estimator:	
Stabilization:	$________	date: ________			
Approved Treatment:	$________	date: ________ mm/dd/yy	(A) (B) (C)	(Region)(DSC)(A&E)	(

DESCRIPTION:

( ) Period of Construction: ________________ Type of Structure: ________________ (

( ) Composition: ________________ Current Interior Use: ________________ (

Verbal description: ____

continue on additional page(s) if necessary

If structure has been removed, how ? ________________ ( ) date: ________ mm/dd/yy

Report prepared by: ________________________ date: ____________

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APPENDIX I: PREPARING AND PROCESSING NATIONAL REGISTER FORMS

Preparation of National Register Forms

Detailed guidance in preparing National Register forms is provided in "How to Complete National Register Forms," a booklet issued by the National Register Division of the Office of Archeology and Historic Preservation, National Park Service. The division also issues supplementary guidelines on "How to Complete National Register Thematic Group Nomination Forms" and "How to Complete National Register Multiple Resource Nomination Forms" as well as a "How to" series of booklets dealing with the nomination and registration process. Topics such as "How to Prepare a Boundary Description" are included in the series. The following instructions supplement those publications.

National Register forms are to be prepared by cultural resources specialists trained and experienced in describing and evaluating the significant qualities of resources being nominated or documented. This is particularly true in the case of properties significant for archeological or architectural values and requiring technical description. In all cases, the forms must be reviewed for professional adequacy by the appropriate regional cultural resources specialists before further processing.

Although historical parks are already listed in the National Register, their documentation requires the same level of evaluation and description required for properties being nominated because this information defines those park or property values that are historically significant and worthy of protection.

Judgment is necessary both in establishing the National Register boundaries of a historical park and in defining those features within the boundaries that contribute to the park's historical significance. Since virtually all the land in most historical parks was touched by associated historic events or activities or contribute to the historic scene, the National Register boundaries of such parks will generally coincide with the park boundaries. In such cases, there will often be structures or other developments within the boundary that were created or retained for administrative or public access purposes rather than historical value; all such noncontributing features within register boundaries must be specifically accounted for in the "description" section of the register form. Only those features or properties described on the forms as contributing to the historic significance are considered to merit protection under section 106 of the NHPA. Some historical parks, however, include lands that either lack any historical association or that have suffered irreversible loss of historical integrity. Such lands that clearly do not meet the National Register criteria should be excluded from the register boundaries. Most lands in this category will be adjacent to park boundaries and will have been acquired for administrative or buffer purposes.

Since the listing of the park name in the National Register suggests inclusion of the entire park, those lands that are excluded from the register boundaries must be described and their exclusion justified in the "description" section of the form.

Noncontributing park facilities that may have been developed on historically significant land, such as the visitor center at Yorktown, should not be excluded from register boundaries; the land should be included and the noncontributing facilities accounted for as stated above.

The exclusion of park lands and facilities from the National Register does not relieve the Service from considering the effects of projects in those areas on neighboring areas within register boundaries. Since an undertaking outside a register boundary may affect the register property as profoundly as one within the boundary, the section 106 compliance procedures impart no lesser responsibilities in cases involving the former. The key in considering effects of projects is the impact area, not the park boundary.

When an integral part of a park resource extends beyond park boundaries, it should be included in the nomination and sent to the state historic preservation officer, or other federal agency when involved, in accordance with 36 CFR 60.11.

Early consultation with the SHPO is essential when present park boundaries do not include integral parts of a resource, as in the case of historic battlefield parks.

The "significance" section of the National Register form calls for an assessment of those qualities that qualify the area in question for inclusion in the Register. The opening paragraph should, in effect, complete the statement "This area is significant because . . ." and describe what tangible resources are worthy of preservation. Of equal importance in terms of section 106 compliance, is a clear presentation of the tangible values of the area as it now exists that warrant preservation and protection in the face of possible future undertakings. A significant structure, for example, will deserve protection in and of itself; but it may also contain its original furnishings and have grounds, outbuildings, and adjoining open space lending integrity of setting. Such contributing values shall be included in the significance statement. The information on the resources being described must be in a format and language to permit the application of the criteria of effect and adverse effect (36 CFR 800.3).

Objects and Collections in National Register Forms

Historic objects, along with sites, structures, and districts, are specified in the NHPA as cultural resources to be included in the National Register. However, because of the register's primary role as a planning tool, its criteria requiring integrity of location and setting, and the practical difficulties of encompassing the enormous volume of potentially eligible objects and collections, individual listing of objects is generally limited to relatively large and fixed features that remain in their historic context (as opposed to a museum context).

Frequently in the National Park System, however, objects and collections (including artifacts, furnishings, and historic documents) are directly associated with and contribute to the significance of sites, structures, and districts that qualify for register listing. The furnishings at Sagamore Hill National Historic Site, the artifacts and samples excavated at Mesa Verde National Park, the historic documents at Edison National Historic Site, and the architectural fabric removed from Independence Hall at Independence National Historical Park are integral components of the Register properties with which they are associated. As such, they and many other Park Service place-related historic object collections should be included in the register. For this to happen, they must be specifically described and evaluated in the register forms documenting the contributing features of their associated properties.

In describing collections, it is sufficient to define their characteristics broadly (scope, types, range, variation, quality) in a manner similar to what is done in a scope of collections statement. For example, in describing a historic house in a Register nomination, a statement about the scope and characteristics of the furnishings collection historically associated with the house should be included. In a similar manner, archeological collections associated with structures, sites, or districts should be included in the descriptive portion of the Register nomination. Site-related historic documentary resources should also be included. As a general rule, if it is required to be cataloged by the "Museum Handbook" and the Manual for Museums, or if it belongs to the Service but is on loan to an institution and is historically associated with a unit of the National Park System, then the collection should be included in the appropriate National Register nomination form. In all cases, for National Register purposes, the collection shall be explicitly defined to include only those items original to or historically associated with the nominated property; other objects, whether period pieces or modern reproductions, acquired for interpretive or comparative study purposes shall be excluded.

In describing collections, do not list the number of items in collections or the number of collections, and do not describe them by accession, append inventories, or state their location. This kind of information is internal to the Service and is neither wanted nor needed on register forms. Do not list collections that are not under Service control. "Service control" applies to collections in our possession or on documented loan to an institution or agency and subject to recall at the discretion of the Service.

When collections are included in a register form, the significance statement on the form must assess their value in relation to the site or district and in terms of the Register criteria. At Edison National Historic Site, for example, the object collections and the documentary records are highly important to an understanding of Edison and his work; they possess the intrinsic quality of authenticity and direct association with the site. They are a historical research source; they are a systematic scientific collection of artifacts representative of a specific period of industrial America and, from an anthropological perspective, they have outstanding potential as a study collection. On the other hand, the original Sandburg furnishings left at the Carl Sandburg Home National Historic Site derive their significance from their authenticity and their associatons with Sandburg, but they do not represent a systematic scientific collecton.

Collections resulting from archeological studies usually derive their major significance as systematic scientific collections. Within this concept, however, it is important to include the original field notes, negatives, slides, field catalogs, field diaries, and archived remote sensing data. In Register terms, these kinds of collections have yielded and/or are likely to yield information important in history or prehistory. No matter how significant a collection is in its own right, however, the site with which it is associated will remain the subject of register nomination, with the collection being treated as a feature of that site.

Many completed register forms may not reflect the objects and collections historically associated with the properties they describe and evaluate. Park and regional personnel responsible for these forms should review them and submit addendums to cover collections when necessary. For places whose Register forms have not yet been submitted, any associated collections should be included in accordance with the above guidelines.

Processing of National Register Forms

The processing of National Register forms is prescribed in 36 CFR 60.

All National Register forms on properties within a unit of the National Park System must be reviewed by the park superintendent who shall comment, as appropriate, on implications of the National Register nomination on management and operation of the park. Forms will be transmitted to the regional office by memorandum signed by the superintendent. Where appropriate, the memorandum should include a statement of the expected effect of the register submission on park planning and operations.

A historic preservation review board in the appropriate regional office reviews all National Register submissions. The board will be composed of members representing park management, planning, and cultural resources management. The regional archeologist, regional historian, or regional historical architect shall represent cultural resources management depending on the nature of the properties being considered. The board provides an in-depth review of all submissions and advises the regional director of their implications for planning and operations. The board also reviews submissions for clarity and advises the regional director whether the documentation appears adequate in terms of the National Register criteria. If not satisfied with a submission, the regional director may obtain other professional evaluation, either from within the Service or from an outside consultant. The recorded planning and management implications of a register submission shall accompany the submission to Washington as part of the record, but they shall not influence either the decision to nominate or the scope of the submission. Consistent with the intent of the National Historic Preservation Act (amended 1980), these factors are governed solely by professional evaluation under the National Register criteria.

The regional director is responsible for transmitting National Register forms on park properties in his region to the keeper of the National Register. Completed forms shall initially be forwarded by memorandum signed by the regional director to the appropriate state historic preservation officer for review and comment in accordance with 36 CFR 60.15(b)(2). After review by the state historic preservation officer, the forms are sent to the associate director for cultural resources management, Washington, for transmittal to the keeper of the National Register.

When documentation for a historical park already listed in the National Register is processed, the original form need not be sent to the state historic preservation officer for review and comment if: (1) the proposed National Register boundaries coincide substantially with the park boundaries and, (2) no features are designated as noncontributing whose designation as such might be professionally questioned. In such cases, an information copy of the documentation shall be sent to the state historic preservation officer when the original is forwarded to the keeper of the National Register. A copy of the letter transmitting the information copy shall accompany the original.

Forms nominating areas extending beyond park boundaries and in nonfederal ownership shall be sent to the appropriate state historic preservation officers for processing in accordance with 36 CFR 60.11. Forms nominating areas extending beyond park boundaries and administered by other federal agencies shall be sent to those agencies for their concurrence before going to the state historic preservation officers for review and comment in accordance with 36 CFR 60.15(b)(2). Correspondence recording the involvement and concurrence of the other parties in such nominations shall accompany the forms when they are transmitted to the keeper of the National Register.

APPENDIX J: DISTRIBUTION AND MANAGEMENT OF FINAL CULTURAL RESOURCE REPORTS

Distribution of Final Reports

Copies of cultural resources reports produced or contracted by the centers, regional offices, and parks should be sent as follows:

2--Office of Cultural Resources Management, Washington, for distribution to the cultural resources repository and the National Technical Information Service (NTIS).

For history reports, an additional 2 copies shall be submitted to be red bound for the Division of History and the author.

5--Region

6--Park

1--DSC Technical Information Center, Division of Graphic Systems

1--DSC Team

3--HFC

1--Archeological Center

2--Mather and Albright training centers

1--Production Office files

3--Department of the Interior Library, Washington

1--Library of Congress

Historic resource studies and historic structure reports should be printed in a minimum of 200 copies.

Cultural Resources Report Storage and Availability

The Division of Graphic Systems, Denver Service Center, microfilms all cultural resources reports produced for the NPS. Copies of the reports in a microfiche or paper format can be provided to Service personnel or the public through this office.

National Technical Information Service (NTIS) Bibliography

A bibliography of park related cultural resources reports available through NTIS will be maintained by the associate director for cultural resources management, Washington. This bibliography will be updated every six months.

Cultural Resources Repository and Management Bibliography

The associate director for cultural resources management, Washington, will maintain a cultural resources repository, which will contain all cultural resources reports, and a cultural resources management bibliography which will list all cultural resources reports produced for each park in the system.

Distribution of Park-Produced CRM Documents

(This section is reserved for material to be published later.)

APPENDIX K: EXAMPLES OF SELECTIVE OR QUALITY RANKING FACTORS FOR CULTURAL RESOURCE SPECIALISTS

This appendix suggests knowledges, skills, and abilities that may be needed for various cultural resources specialist positions. Following are examples of selective or quality ranking factors that could be used to supplement the X-118, when justifiable. See chapter 5, personnel management section.

ANTHROPOLOGIST/ARCHEOLOGIST (GS-190, GS-193, 9-15)

a graduate degree in anthropology; for the specialization in archeology (GS-193) a graduate degree with an emphasis in the subdiscipline of North American archeology or a degree in prehistory/archeology with an emphasis on North American archeology from a accredited university

one year of full-time professional experience or equivalent specialized training in anthropological (for GS-190 series), or archeological (for GS-193 series) research administration or management

at least four months of supervised field and analytic experience in general American anthropology (GS-190) or American archeology (GS-193)

demonstrated ability to carry out research to completion

at least one year of full-time professional experience at the supervisory level in the study of anthropological (GS-190) or archeological (GS-193) resources of native North Americans (GS-190) or American prehistory (GS-193); An historical archeologist can be required to have at least one year of full-time professional experience at the supervisory level in the study of archeological resources of the historic period

sociocultural experience for specialized projects

HISTORIAN (GS-170, 9-15)

a graduate degree in history

at least four years of full-time experience in historical research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historical organization or agency, museum, or other professional organization

substantial contribution through research and publication to the body of scholarly knowledge in the field of history

ARCHITECTURAL HISTORIAN (GS-170, 9-15)

a graduate degree in architectural history, art history, or historic preservation, with course work in American architectural history

a bachelor's degree in architectural history with concentration in American architecture

a bachelor's degree in architectural history, art history, or historic preservation, and at least two years of full-time experience in research, writing, or teaching in American architectural history or preservation architecture with an academic institution, historical organization or agency, museum, or other professional institution

a bachelor's degree in architectural history, art history, or historic preservation and substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history

HISTORICAL ARCHITECT (GS-808, 11-15)

a degree in architecture

a state license to practice architecture

at least one year of graduate study in architectural preservation, American architectural history, preservation planning, or a closely related field, and at least one year of full-time professional experience on preservation and restoration projects

at least two years of full-time professional experience on preservation and restoration projects, which must include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of construction documents for preservation projects

INTERN HISTORICAL ARCHITECT (GS-808, 5-9)

a degree in architecture plus at least one year of graduate study in architectural preservation, American architectural history, or preservation planning, (with specialization in American architecture) or at least one year of full-time professional experience on preservation projects; intern historical architects are supervised by historical architects

ARCHITECTURAL CONSERVATOR (GS-1001, 5-15)

a graduate degree with emphasis in the scientific analysis of structure materials and systems

CURATOR (GS-1015)

a graduate degree in museum studies or in a closely related field with a specialization in museum studies and one year curatorial experience in a museum, or a total of three years graduate work and experience combined

a bachelor's degree in museum studies or a closely related field and four years museum experience in increasingly responsible curatorial positions; or an equivalent combination of education and experience

CONSERVATOR (Museum Specialist, GS-1016)

a graduate degree in one or more specializations in museum conservation plus a one-year internship, or

a formal apprenticeship with a qualified conservator or supervised experience in conservation work in an established conservation laboratory for a period of four years

INTERN CONSERVATOR (in summer work projects)

a degree in fine arts, sciences, or a closely related field plus at least one year of graduate study in a museum conservation program, or at least one year of full-time professionally supervised experience in an established conservation laboratory; intern conservators either will be under day-to-day supervision of a qualified conservator or will work within a scope of work approved by a professional conservator and concurred in by the regional curator, and will be monitored at least monthly by the approving conservator

PRESERVATION SPECIALIST (Exhibit Specialist, GS-1010)

All preservation specialists must be recommended by the regional historical architect or appropriate center supervisor, reviewed by the regional or center historic preservation skills review board, and certified by the regional director or center chief based upon criteria established by the assistant director, cultural resources management Washington. Factors could include:

> the ability to demonstrate journeyman level skills in two building crafts
>
> the knowledge and ability to act as a project supervisor

an exposure to historic preservation methods and philosophy

the ability to demonstrate master-level skills in one craft with the ability for training others

a knowledge of the philosophical basis for historic preservation

HISTORICAL CRAFTSPERSON (Mason, Carpenter, Painter, Shipwright, etc.) (WG)

All historical craftspersons shall be recommended by the superintendent, reviewed by the regional historic preservation skills review board, and certified by the regional director, based upon criteria established by the assistant director for cultural resources management, Washington. Sample factors could be:

the ability to demonstrate journeyman level skills in one building craft

a knowledge of the philosophical basis for historic preservation

HISTORICAL MAINTENANCE PERSONS (WG)

All historical maintenancepersons shall be recommended by the superintendent, reviewed by the regional historic preservation skills review board, and certified by the regional director based upon criteria established by the assistant director, cultural resources management, Washington. Factors could include:

the ability to demonstrate apprentice level skills in one building craft

a knowledge of the philosophical basis for historic preservation

APPENDIX L: LAWS

The guidelines for cultural resources management in the National Park Service are derived from a hierarchy of laws, proclamations, orders, regulations, and policies, all of which must be complied with in the course of an undertaking. Primary among these are the acts and proclamations establishing individual units of the park system; they state the congressional or presidential intent in including the resources in the National Park System. For example, the legislation establishing Bighorn Canyon National Recreation Area (Public Law 89-664) states that the area is established for, among other things, "...preservation of scenic, scientific, and historic features..." Section 3(a) of that act directed the secretary of the interior to administer the area to provide for conservation of these values, and to manage, use and dispose of renewable natural resources "in a manner that promotes, or is compatible with, or does not significantly impair, public recreation and conservation of scenic, scientific, and historic, or other values contributing to public enjoyment."

In contrast to a modern area, such as Bighorn Canyon, which protects many values, the earliest parks were set aside for natural and scientific reasons. The 1889 act to repair and protect Casa Grande Ruin because of its ethnologic and scientific interest was the first to preserve a historic property. Following this act, there was continued movement toward achieving protection for other ruins and legal sanctions against the despoilation of ruins were established through the passage of the Antiquities Act in 1906. This act also established the right of the president to provide protection for archeological or natural features, invoked by almost every president since. The first site to be established under the Antiquities Act was Chaco Canyon National Monument, set aside by President Theodore Roosevelt in 1907 because of its "prehistoric ruins and burial grounds."

Each unit of the national park system has legislation which provides important and unique direction for its management. In addition, the following pieces of legislation and executive orders form the basis of and authority for National Park Service cultural resources management policies and guidelines that apply to all parks. The laws are listed chronologically, and following them are the regulations written to enforce them.

LEGISLATION

The Antiquities Act of 1906 (Public Law 59-209; 34 Stat. 225; 16 USC 431-433). This act provided for the protection of historic or prehistoric remains, "or any antiquity," on federal lands; established criminal sanctions for unauthorized destruction or appropriation of antiquities; authorized the President to declare by proclamation National Monuments; and authorized the scientific investigation of antiquities on federal lands, subject to permit and regulations. It requires that the parcel of land set aside is "the smallest area compatible with the proper care and management of the objects to be protected."

The Act of August 25, 1916, (Public Law 235; 39 Stat. 535; 16 USC 1 et seq). Commonly known as the NPS "Organic Act," this legislation stated as the purpose of the parks "...to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

The Historic Sites Act of 1935, (Public Law 74-292; 49 Stat. 666; 16 USC 461-467). This legislation authorized the programs that are known as the Historic American Buildings Survey, the Historic American Engineering Record, and the National Survey of Historic Sites and Buildings; authorized the establishment of national historic sites and otherwise authorized the preservation of properties "of national historic or archeological significance;" authorized the designation of national historic landmarks; established criminal sanctions for violation of regulations pursuant to the act; authorized interagency, intergovernmental, and interdisciplinary efforts for the preservation of cultural resources; and other provisions. The first efforts to salvage archeological data that would otherwise be lost were done under the authorities of this act beginning with the River Basin Survey in 1946.

The National Trust Act of 1949, (Public Law 81-408; 63 Stat. 927). The act facilitated public participation in the preservation of sites, buildings, and objects of national significance or interest. It created the National Trust for Historic Preservation and enpowered it to acquire and hold property for historic preservation purposes, enter into contracts and agreements to further the policies enunciated in the Historic Sites Act, to sue and be sued, and perform other lawful acts to carry out the purposes of the National Trust.

The Reservoir Salvage Act of 1960, (Public Law 86-523; 74 Stat. 220; 16 USC 469-469c). This legislation indicated further concern with cultural resources recovery and re-emphasized the need to recover data. The act provided for the recovery and preservation of "historical and archeological data (including relics and specimens)" that might be lost or destroyed as a result of the construction of dams, reservoirs, and attendant facilities and activities. (See also the 1974 amendment to this act.)

The Department of Transportation Act of 1966, (Public Law 89-670; 80 Stat. 931). This act stated in Sec. 4(f) that the secretary of transportation "shall not approve any program or project which requires...the use of...any land from a historic site... unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such...historic sites resulting from such use."

The National Historic Preservation Act of 1966, (Public Law 89-665; 80 Stat. 915; 16 USC 470). The NHPA declared a national policy of historic preservation, including the encouragement of preservation on the state and private levels; provided authority for the expansion of the National Register of Historic Places to include cultural resources of state and local as well as national significance; authorized matching federal grants to the states and the National Trust for Historic Preservation for the acquisition and rehabilitation of National Register properties; established the Advisory Council on Historic Preservation; provided certain procedures to be followed by federal agencies in the event of a proposal that might have an effect on National Register properties; defined the term "historic preservation" as the protection, rehabilitation, restoration, and reconstruction of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, or culture."

The National Environmental Policy Act of 1969, (Public Law 91-190; 31 Stat. 852; 42 USC 4321-4347). Among its numerous provisions, this act declared in Sec. 101-B(4) that it is the policy of the federal government to "preserve important historic, cultural and natural aspects of our national heritage." In order to carry out this policy, the act required an interdisciplinary study of the impacts associated with federal programs.

Public Law 91-243, May 9, 1970. This legislation amended the National Historic Preservation Act of 1966 by extending the funding for the program through 1973, increasing the membership of the Advisory Council on Historic Preservation, and authorizing the participation of the United States as a member in the International Center for the Study of Preservation and Restoration of Cultural Property, and authorized funds for the purpose.

Executive Order 11593, "Protection and Enhancement of the Cultural Environment," May 13, 1971 (36 F.R. 8921). In reference to some of the legislation discussed above, this order instructed all federal agencies to provide national leadership in historic preservation, to assure the preservation of cultural properties in federal ownership, and to "institute procedures to assure that federal plans and programs contribute to the preservation and enhancement of nonfederally owned sites, structures, and objects of historical, architectural, or archeological significance." The order specifically directed all federal agencies to "locate, inventory, and nominate to the Secretary of the Interior all sites, buildings, districts, and objects under their jurisdiction or control that appear to qualify for listing on the National Register of Historic Places." The order further established procedures to be followed by all federal agencies pending completion of the cultural resources inventories. The 1980 amendments to the NHPA contain similar mandates for survey and inventory and these guidelines have cited the act rather than the executive order, where appropriate.

The Archeological and Historical Preservation Act of 1974, (Public Law 93-291; 88 Stat. 174). This act amended the 1960 Salvage Act, provided for the preservation of significant scientific, prehistoric, historic, or archeological data (including relics and specimens) that might be lost or destroyed as a result of: 1) the construction of dams, reservoirs, and attendant facilities and activities, or 2) any alteration of the terrain caused as a result of any federal construction project or federally licensed project, activity, or program. It also requires that the secretary of the interior be notified of impending loss of such resources, and that the agency or the secretary may survey and recover the data and publish the results. It provides for agreement on time limits for initiation and completion of survey and recovery efforts. It requires the secretary to coordinate, report on, consult with experts about, and distribute funds appropriated for, those survey and recovery efforts. It provides that up to one percent of the total amount authorized to be appropriated for the federal activities may be transferred to the secretary for implementation of the act, and provides funds for certain other costs. Compliance with this act presumes prior compliance with section 106 of the National Historic Preservation Act of 1966 with regard to properties listed in or eligible for listing in the National Register of Historic Places.

Public Law 94-458; 90 Stat. 1939, October 7, 1976. (90 Stat. 1939), amended P.L. 89-665 (80 Stat. 915; 16 U.S.C. 470(a) by adding a new paragraph as follows: "'(4) to withhold from disclosure to the public, information relating to the location of sites or objects listed on the National Register whenever he determines that the disclosure of specific information would create a risk of destruction or harm to such sites or objects.'. Section 12 of this law requires the preparation of general management plans for each unit of the National Park System, including the national capital region, and transmittal to the Committees on Interior and Insular Affairs.

American Folklife Preservation Act of 1976, (Public Law 94-201, 89 Stat. 1130, 20 USC 2101-2107). This act declared that because American folklife has made such a great contribution to this nation's cultural richness and sense of individuality and identity, it is therefore the policy of the United States to "preserve, support, revitalize, and disseminate American folklife traditions and arts..."; defined American folklife; established the American Folklife Center and described its organization; and authorized the Librarian of Congress to: 1) promote various American folklife programs; 2) establish, maintain, procure items for, and loan or exhibit items from a national archive and center for American folklife; 3) prescribe regulations; and 4) perform other lawful acts in furtherance of the policies of this act.

Public Buildings Cooperative Use Act of 1976, (Public Law 94-541; 90 Stat. 2505). This act requires the administrator of the General Service Administration to acquire and use space to accommodate federal agencies in buildings of architectural, or cultural significance, unless this is not feasible compared with available alternatives. It also amended the Architectural Barriers Act of August 12, 1968, relating to the accessibility of certain buildings to the physically handicapped.

Public Law 94-422, September 28, 1976. This law amended section 106 of the National Historic Preservation Act to apply to properties eligible for inclusion in the National Register. Additional funding was appropriated to carry out the provisions of the act, the organization of the Advisory Council was clarified, and the membership expanded to twenty-nine members. The council was established as a fully independent agency within the executive branch and authorized to promulgate such rules and regulations it deems necessary to implement section 106.

The Tax Reform Act of 1976 (Public Law 94-455; 90 Stat. 1976). This provides specific tax incentives to encourage the preservation of historic structures. Although applicable primarily in the private sector, there may be certain benefits accruing to concessioners whose facilities are listed in the National Register of Historic Places. These provisions were extended through December 31, 1983, by the passage of Public Law 96-541.

Executive Order 11988, "Floodplain Management," May 24, 1977. This EO and its implementing guidelines (40 CFR 6030) direct all federal agencies to avoid, if possible, development and other activities in the 100-year or base floodplain. Where the base floodplain cannot be avoided, National Park Service procedures for implementation call for special considerations and studies with regard to new facilities and structures. Their design and siting are to be based upon scientific, engineering, and architectural studies; consideration to protection of human life, natural processes, and cultural resources; and consideration to their planned lifespan. Existing structures or facilities located in such areas and needing rehabilitation, restoration, or replacement will be subjected to the same scrutiny as prescribed for new facilities or structures. In the case of historic structures, this scrutiny will be but one factor in determining their preservation. Highly significant and irreplaceable records, historic objects, structures, or other cultural resources may not be located in the 500-year floodplain if at all possible. If unavoidable, there must be an opportunity for public review and comment on the proposed floodplain location.

The American Indian Religious Freedom Act, August 11, 1978, (Public Law 95-341). This act provides that it is "the policy of te United States to protect and preserve for American Indians their inherent right of freedom to believe, express and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites."

In addition, the act calls for a twelve-month evaluation of procedures, programmatic objectives, and policies by all federal agencies as they affect the religious rights and the cultural integrity of Native Americans. This report was submitted to the Congress 1979.

As of October 1981, the Service is developing policies to guide implementation of this law. Special Directive 78-1 is the current policy on NPS-Native American Relationships.

The Archeological Resources Protection Act of 1979 (Public Law 96-95, 93 Stat. 712. 16 USC 470). This act provided for the protection of archeological resources located on public lands and Indian lands; defined archeological resources to be any material remains of past human life or activities which are of archeological interest and are at least 100 years old; encouraged cooperation between groups and individuals in possession of archeological information; established a requirement for the excavation or removal of archeological resources from public or Indian lands with special permit and disposition rules for the protection of archeological resources on Indian lands in light of the American Indian Religious Freedom Act; provided that information regarding the nature and location of archeological resources may remain confidential; and established civil and criminal penalties, including forfeiture of vehicles and equipment used, fines of up to $100,000, and imprisonment of up to five years for second violations for the unauthorized appropriation, alteration, exchange, or other handling of archeological resources, with rewards for furnishing information about such unauthorized acts.

Archeological resources covered by the Antiquities Act of 1906 are covered by this act. A valid permit issued under the Antiquities Act before the date of this act remains in effect according to its terms and conditions and no new permit is required. A permit issued under this act takes the place of a permit under the Antiquities Act. Nothing in this act shall apply to any person who was in lawful possession of an archeological resource prior to the date of this act.

Issuance of a permit in accordance with this act does not require compliance with section 106 of the National Historic Preservation Act of 1966.

National Historic Preservation Act (amended 1980) (Public Law 96-515; 94 Stat 2987). These amendments to the National Historic Preservation Act of 1966 expanded the roles of federal, state, local and private sectors and provided important new mandates for federal land managers in the area of historic preservation. The act directs the secretary to implement regulations establishing uniform processes and standards for documenting historic properties for inclusion in the records contained in the Library of Congress; requires each federal agency to establish a program to locate, inventory and nominate to the National Register all properties under the agency's control; directed each federal agency to exercise caution so that properties which may be eligible are not inadvertantly transferred, sold, demolished, substantially altered or allowed to deteriorate significantly; and established a higher standard of care for National Historic Landmarks. After appropriate consultation with the Advisory Council on Historic Preservation an agency may lease an historic property owned by it if such lease will adequately insure the preservation of that property. The proceeds of the lease may be retained by the agency and used to defray administrative, maintenance, repair and related expenses incurred by the agency in the use of the property or other properties listed on the National Register and under the ownership or control of such agency. The act also changes the number of members on the Advisory Council on

Historic Preservation; directs the secretary in the participation of the development of the World Heritage List and the Convention Concerning the Protection of the World Cultural and Natural Heritage; and allows agency heads to withold information relating to location of historic resources after consultation with the Secretary.

The act is reproduced in appendix M.

REGULATIONS

In order to implement provisions of general laws, regulations are promulgated, adopted, and then compiled in the Code of Federal Regulations (CFR). NPS-28 is compatible with and reflects the requirements of these regulations. Each CFR citation below is followed parenthetically by the name of the act it implements.

43 CFR 3 (Antiquities Act) discusses the conditions and constraints relative to issuing permits for examination, excavation, and collecting "objects of antiquity."

36 CFR 60 (National Historic Preservation Act of 1966 and EO 11593), "National Register of Historic Places," describes concurrent state and federal nominations; nominations by a federal agency; changes and revisions to properties listed on the National Register; and procedures for removal of properties from the National Register.

36 CFR 61 (NHPA and EO 11593), sets forth the criteria for comprehensive statewide historic surveys and plans; establishes the professional standards for the staff of the State Historic Preservation Office; requires the state historic preservation officer to review proposed federal or federally funded undertakings that may potentially affect historic properties within the state; established the state historic preservation officer's responsibility to recommend limitations of publication of resource information, to recommend the need for additional resource surveys, to render opinions on the eligibility of identified historic properties for the National Reigster, and to conduct historic resource surveys under contract to federal agencies.

36 CFR 63 (NHPA and EO 11593) entitled "Determinations of Eligibility for Inclusion in the National Register of Historic Places," codifies the process through which federal agencies request and obtain a determination of a property's eligibility for inclusion in the National Register of Historic Places.

36 CFR 68 contains the secretary of the interior's standards for historic preservation projects, including standards for acquisition, protection, stabilization, preservation, rehabilitation, restoration and reconstruction.

36 CFR 800 (NHPA and EO 11593) entitled "Protection of Historic and Cultural Properties," includes the regulations published by the Advisory

Council on Historic Preservation to implement section 106 of the National Historic Preservation Act, as amended, and two presidential directives issued pursuant to section 106 (Executive Order 11593, May 13, 1971, "Protection and Enhancement of the Cultural Environment," and the President's Memorandum on Environmental Quality and Water Resources Management, July 12, 1978). The regulations were amended March 1, 1979 to reflect changes and additions to the Council's authorities, as well as experience gained in working with the process since the last publication of regulations in 1974. These amendments are intended to expedite and clarify the commenting process required by section 106 of the NHPA and Section 2(b) of Executive Order 11593 for a particular program or class of undertakings that would otherwise require numerous individual requests for comments under these regulations (the National Park Service's programmatic memorandums of agreement are executed under this authority).

40 CFR 1500, "Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act," was published by the Council on Environmental Quality as directed by Executive Order 11991 to "make the environmental statement more useful to decision makers and the public; and to reduce paper work and the accumulation of extraneous background data, in order to emphasize the need to focus on real environmental issues and alternatives." The regulations require all agencies to adopt procedures which ensure, among other things, that environmental information is available to public officials and citizens before actions are taken. Although separate from NEPA, the responsibilities of the National Historic Preservation Act and EO 11593 are to be complied with using these same procedures.

APPENDIX M: NATIONAL HISTORIC PRESERVATION ACT OF 1966, AS AMENDED

References

The language of the law

AN ACT to Establish a Program for the Preservation of Additional Historic Properties throughout the Nation, and for Other Purposes, Approved October 15, 1966 (Public Law 89-665; 80 STAT. 915; 16 U.S.C. 470) as amended by Public Law 91-243, Public Law 93-54, Public Law 94-422, Public Law 94-458, Public Law 96-199, Public Law 96-244, and Public Law 96-515).

Section 1

Short title

(a) This Act may be cited as the "National Historic Preservation Act."

Purpose of the Act

(b) The Congress finds and declares that--

(1) the spirit and direction of the Nation are founded upon and reflected in its historic heritage;

(2) the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people;

(3) historic properties significant to the Nation's heritage are being lost or substantially altered, often inadvertently, with increasing frequency;

(4) the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans;

(5) in the face of ever-increasing extensions of urban centers, highways, and residential, commercial, and industrial developments, the present governmental and

nongovernmental historic preservation programs and activities are inadequate to insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our Nation;

(6) the increased knowledge of our historic resources, the establishment of better means of identifying and administering them, and the encouragement of their preservation will improve the planning and execution of Federal and federally assisted projects and will assist economic growth and development; and

(7) although the major burdens of historic preservation have been borne and major efforts initiated by private agencies and individuals, and both should continue to play a vital role, it is neverthless necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities, to give maximum encouragement to agencies and individuals undertaking preservation by private means, and to assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

Section 2

It shall be the policy of the Federal Government, in cooperation with other nations and in partnership with the States, local governments, Indian tribes, and private organizations and individuals to--

(1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations;

(2) provide leadership in the preservation of the prehistoric and historic resources of the United States and of the international community of nations;

(3) administer federally owned, administered, or controlled prehistoric and historic resources in a spirit of stewardship for the inspriation and benefit of present and future generations;

(4) contribute to the preservation of nonfederally owned prehistoric and historic resources and give maximum encouragement to organizations and individuals undertaking preservation by private means;

(5) encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment; and

(6) assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

Section 101

National Register of Historic Places, expansion and maintenance

(a) (1) (A) The Secretary of the Interior is authorized to expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering and culture.

National Historic Landmarks, designation

(B) Properties meeting the criteria for National Historic Landmarks estalished pursuant to paragraph (2) shall be designated as "National Historic Landmarks" and included on the National Register, subject to the requirements of paragraph (6). All historic properties included on the National Register on the date of enactment of the National Historic Preservation Act amendments of 1980 shall be deemed to be included on the National Register as of their initial listing for purposes of this Act. All historic properties listed in the Federal Register of February 6, 1979, as "National Historic Landmarks" or thereafter prior to the effective date of this Act are declared by Congress to be National Historic Landmarks of national historic significance as of their initial listing as such in the Federal Register for purposes of this Act and the Act of August 21, 1935 (49 Stat. 666); except that in cases of National Historic Landmark districts for which no boundaries have been established, boundaries must first be published in the Federal Register and submitted to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Interior and Insular Affairs of the United States House of Representatives.

Criteria

(2) The Secretary in consultation with national historic and archeological associations, shall establish or revise criteria for properties to be included on the National Register and criteria for National Historic Landmarks, and shall also promulgate or revise regulations as may be necessary for--

(A) nominating properties for inclusion in, and removal from, the National Register and the recommendation of properties by certified local governments;

(B) designating properties as National Historic Landmarks and removing such designation;

(C) considering appeals from such recommendations, nomination, removals, and designations (or any failure or refusal by a nominating authority to nominate or designate);

(D) nominating historic properties for inclusion in the World Heritage List in accordance with the terms of the Convention concerning the Protecton of the World Cultural and Natural Heritage;

(E) making determinations of eligibility of properties for inclusion on the National Register; and

(F) notifying the owner of a property, any appropriate local governments, and the general public, when the property is being considered for inclusion on the National Register, for designation as a National Historic Landmark or for nomination to the World Heritage List.

Nominations to the National Register

(3) Subject to the requirements of paragraph (6), any State which is carrying out a program approved under subsection (b), shall nominate to the Secreatry properties which meet the criteria promulgated under subsection (a) for inclusion on the National Register. Subject to paragraph (6), any property nominated under this paragraph or under section 110(a)(2) shall be included on the National Register on the date forty-five days after receipt by the Secretary of the nomination and the necessary documentation, unless the Secretary disapproves such nomination within such forty-five day period or unless an appeal is filed under paragraph (5).

(4) Subject to the requirements of paragraph (6) the Secretary may accept a nomination directly from any person or local government for inclusion of a property on the National Register only if such property is located in a State where there is no program approved under subsection (b). The Secretary may include on the National Register any property for which such a nomination is made if he determines that such property is eligible in accordance with the regulations promulgated under paragraph (2). Such determination shall be made within ninety days from the date of nomination unless the nomination is appealed under paragraph (5).

Appeals of nominations

(5) Any person or local government may appeal to the Secretary a nomination of any historic property for inclusion on the National Register and may appeal to the Secretary the failure or refusal of a nominating authority to nominate a property in accordance with this subsection.

Owner consent

(6) The Secretary shall promulgate regulations requiring that before any property or district may be included on the

National Register or designated as a National Historic Landmark, the owner or owners of such property, or a majority of the owners of the properties within the district in the case of an historic district, shall be given the opportunity (including a reasonable period of time) to concur in, or object to , the nomination of the property or district for such inclusion or designation. If the owner or owners of any privately owned property, or a majority of the owners of such properties within the district in the case of an historic district, object to such inclusion or designation, such property shall not be included on the National Register or designated as a National Historic Landmark until such objection is withdrawn. The Secretary shall review the nomination of the property or district where any such objection has been made and shall determine whether or not the property or district is eligible for such inclusion or designation, and if the Secretary determines that such property or district is eligible for such inclusion or designation, he shall inform the Advisory Council on Historic Preservation, the appropriate State Historic Preservation Officer, the appropriate chief elected local official and the owner or owners of such property, of his determination. The regulations under this paragraph shall include provisions to carry out the purposes of this paragraph in the case of multiple ownership of a single property.

(7) The Secretary shall promulgate, or revise, regulations--

(A) ensuring that significant prehistoric and historic artifacts, and associated records, subject to section 110 of this Act, the Act of June 27, 1960 (16 U.S.C. 469c), and the Archeological Resources Protection Act of 1979 (16 U.S.C. 470aa and following) are deposited in an institution with adquate long-term curatorial capabilities;

(B) establishing a uniform process and standards for documenting historic properties by public agencies and private parties for purposes of incorporation into, or complementing, the national historic architectural and engineering records within the Library of Congress; and

(C) certifying local governments, in accordance with subsection (c)(1) and for the allocation of funds pursuant to section 103(c) of this Act.

State Historic Preservation Programs

(b) (1) The Secretary, in consultation with the National Conference of State Historic Preservation Officers and the National Trust for Historic Preservation, shall promulgate or revise regulations for State Historic Preservation Programs. Such regulations shall provide that a State program submitted to the Secretary under this section shall be approved by the Secretary if he determines that the program--

Designation of the State Historic Preservation Officer (SHPO)

(A) provides for the designation and appointment by the Governor of a "State Historic Preservation Officer" to administer such program in Accordance with paragraph (3) and for the employment or appointment by such officer of such professionally qualified staff as may be necessary for such purposes;

(B) provides for an adequate and qualified State historic preservation review board designated by the State Historic Preservation Officer unless otherwise provided for by State law; and

(C) provides for adequate public participation in the State Historic Preservation Progrm, including the process of recommending properties for nomination to the National Register.

(2) Periodically, but not less than every four years after the approval of any State program under this subsection, the Secretary shall evaluate such program to

make a determination as to whether or not it is in compliance with the requirements of this Act. If at any time, the Secretary determines that a State program does not comply with such requirements, he shall disapprove such program, and suspend in whole or in part assistance to such State under subsection (d)(1), unless there are adequate assurances that the program will comply with such requirements within a reasonable period of time. The Secretary may also conduct periodic fiscal audits of State programs approved under this section.

SHPO responsibilites

(3) It shall be the responsibilty of the State Historic Preservation Officer to administer the State Historic Preservation Program and to--

(A) in cooperation with Federal and State agencies, local governments, and private organizations and individuals, direct and conduct a comprehensive statewide survey of historic properties and maintain inventories of such properties;

(B) identify and nominate eligible properties to the National Register and otherwise administer applications for listing historic properties on the National Register;

(C) prepare and implement a comprehensive statewide historic preservation plan;

(D) administer the State program of Federal assistance for historic preservation within the State;

(E) advise and assist, as appropriate, Federal and State agencies and local governments in carrying out their historic preservation responsibilities;

(F) cooperate with the Secretary, the Advisory Council on Historic Preservation, and other Federal and State agencies, local governments and organizations and individuals to ensure that

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historic properties are taken into consideration at all levels of planning and development;

(G) provide public information, education, and training and technical assistance relating to the Federal and State Historic Preservation Programs; and

(H) cooperate with local governments in the development of local historic preservation programs and assist local governments in becoming certified pursuant to subsection (c).

(4) Any State may carry out all or any part of its responsibilities under this subsection by contract or cooperative agreement with any qualified nonprofit organization or educational institution.

(5) Any State historic preservation program in effect under prior authority of law may be treated as an approved program for purposes of this subsection until the earlier of--

(A) the date on which the Secretary approves a program submitted by the State under this subsection, or

(B) three years after the date of the enactment of the National Historic Preservation Act Amendments of 1980.

Certification of local governments

(c) (1) Any State program approved under this section shall provide a mechanism for the certification by the State Historic Preservation Officer of local governments to carry out the purposes of this Act and provide for the transfer, in accordance with section 103(c), of a portion of the grants received by the States under this Act, to such local governments. Any local government shall be certified to participate under the provisions of this section if the applicable State Historic Preservation Officer, and the Secretary, certifies that the local government--

(A) enforces appropriate State or local legislation for the designation and protection of historic properties;

(B) has established an adequate and qualified historic preservation review commission by State or local legislation;

(C) maintains a system for the survey and inventory of historic properties that furthers the purposes of subsection (b);

(D) provides for adquate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register; and

(E) satisfactorily performs the responsibilities delegated to it under this Act.

Where there is no approved State program, a local government may be certified by the Secretary if he determines that such local government meets the requirements of subparagraphs (A) through (E); and in any such case the Secretary may make grants-in-aid to the local government for purposes of this section.

Notification of certified local governments of proposed National Register nominations

(2) (A) Before a property within the jurisdiction of the certified local government may be considered by the State to be nominated to the Secretary for inclusion on the National Register, the State Historic Preservation officer shall notify the owner, the applicable chief local elected official, and the local historic preservation commission. The commission, after reasonable opportunity for public comment, shall prepare a report as to whether or not such property, in its opinion, meets the criteria of the National Register. Within sixty days of notice from the State Historic Preservation Officer, the chief local elected official shall transmit the report of the commission and his recommendation to the State Historic Preservation Officer. Except as provided in subparagraph (B), after receipt of such report and recommendation,

Report

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or if no such report and recommendation are received within sixty days, the State shall make the nomination pursuant to section 101(a). The State may expedite such process with the concurrence of the certified local government.

Appeals when local government does not recommend nomination

(B) If both the commission and the chief local elected official recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no further action, unless within thirty days of the receipt of such recommendation by the State Historic Preservation Officer an appeal is filed with the State. If such an appeal is filed, the State shall follow the procedures for making a nomination pursuant to Section 101(a). Any report and recommendations made under this section shall be included with any nomination submitted by the State to the Secretary.

(3) Any local government certified under this section or which is making efforts to become so certified shall be eligible for funds under the provision of section 103(c) of this Act, and shall carry out any responsibilities delegated to it in accordance with such terms and conditions as the Secretary deems necessary or advisable.

Grants-in-aid

(d) (1) The Secretary shall administer a program of matching grants-in-aid to the States for historic preservation projects, and State historic preservation programs, approved by the Secretary and having as their purpose the identification of historic properties and the preservation of properties included on the National Register.

(2) The Secretary shall administer a program of matching grant-in-aid to the National Trust for Historic Preservation in the United States, chartered by Act of Congress approved October 26, 1949 (63

Stat. 947), for the purposes of carrying out the responsibilities of the National Trust.

Direct grants

(3) (A) In addition to the programs under paragraphs (1) and (2), the Secretary shall administer a program of direct grants for the preservation of properties included on the National Register. Funds to support such program annually shall not exceed 10 per centum of the amount appropriated annually for the fund established under section 108. These grants may be made by the Secretary, in consultation with the appropriate State Historic Preservation Officer--

(i) for the preservation of National Historic Landmarks which are threatened with demolition or impairment and for the preservation of historic properties of World Heritage significance;

(ii) for demonstration projects which will provide information concerning professional methods and techniques having application to historic properties;

(iii) for the training and development of skilled labor in trades and crafts, and in analysis and curation, relating to historic preservation; and,

(iv) to assist persons or small businesses within any historic district included in the National Register to remain within the district.

Grants and loans to minority groups

(B) The Secretary may also, in consultation with the appropriate State Historic Preservation Officer, make grants or loans or both under this section to Indian tribes and to nonprofit organizations representing ethnic or minority groups for the preservation of their cultural heritage.

(C) Grants may be made under subparagraph (A)(i) and (iv) only to the extent that the project cannot be carried out in as effective a manner through the use of an insured loan under section 104.

(e) No part of any grant made under this section may be used to compensate any person intervening in any proceeding under this Act.

(f) In consultation with the Advisory Council on Historic Preservation, the Secretary shall promulgate guidelines for Federal agency responsibilities under section 110 of this title.

Preservation standards for federally owned properties

(g) Within one year after the date of for enactment of the National Historic Preservation Act Amendments of 1980, the Secretary shall establish, in consultation with the Secretaries of Agriculture and Defense, the Smithsonian Institution, and the Administrator of the General Services Administration, professional standards for the preservation of historic properties in Federal ownership or control.

Technical advice

(h) The Secretary shall develop and make available to Federal agencies, State and local governments, private organizations and individuals, and other nations and international organizations pursuant to the World Heritage Convention, training in, and information concerning professional methods and techniques for the preservation of historic properties and for the administration of the historic preservation program at the Federal, State, and local level. The Secretary shall also develop mechanisms to provide information concerning historic preservation to the general public including students.

Section 102

Grants

(a) No grant may be made under this Act--

(1) unless application therefor is submitted to the Secretary in accordance with regulations and procedures prescribed by him;

(2) unless the application is in accordance with the comprehensive statewide historic preservation plan which has been

approved by the Secretary after considering its relationship to the comprehensive statewide outdoor recreation plan prepared pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897);

(3) for more than 50 per centum of the aggregate cost of carrying out projects and programs specified in section 101(d) (1) and (2) in any one fiscal year, except that for the costs of State or local historic surveys or inventories the Secretary shall provide 70 per centum of the aggregate cost involved in any one fiscal year;

(4) unless the grantee has agreed to make such reports, in such form and containing such information as the Secretary may from time to time require;

(5) unless the grantee has agreed to assume, after completion of the project, the total cost of the continued maintenance, repair, and administration of the property in a manner satisfactory to the Secretary; and

(6) until the grantee has complied with such further terms and conditions as the Secretary may deem necessary or advisable.

Except as permitted by other law, the State share of the costs referred to in paragraph (3) shall be contributed by non-Federal sources. Notwithstanding any other provision of law, no grant made pursuant to this Act shall be treated as taxable income for purposes of the Internal Revenue Code 1954.

(b) The Secretary may in his discretion waive the requirements of subsection (a), paragraphs (2) and (5) of this section for any grant under this Act to the National Trust for Historic Preservation in the United States, in which case a grant to the National Trust may include funds for the maintenance, repair, and administration of the property in a manner satisfactory to the Secretary.

(c) No State shall be permitted to utilize the value of real property obtained before the date of approval of this Act in meeting the remaining cost of a project for which a grant is made under this Act.

Section 103

State grants for surveys

(a) The amounts appropriated and made available for grants to the State for comprehensive statewide historic surveys and plans under this Act shall be apportioned among the States by the Secretary on the basis of needs as determined by him.

(b) The amounts appropriated and made available for grants to the States for projects and programs under this Act for each fiscal year shall be apportioned among the States by the Secretary in accordance with needs as disclosed in approved statewide historic preservation plans. The Secretary shall notify each State of its apportionment under this subsection within thirty days following the date of enactment of legislation appropriating funds under this Act. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and for two fiscal years thereafter, shall be reapportioned by the Secretary in accordance with this subsection.

Apportionment to certified local governments

(c) A minimum of 10 per centum of the annual apportionment distributed by the Secretary to each State for the purposes of carrying out this Act shall be transferred by the State, pursuant to the requirements of this Act, to local governments which are certified under section 101(c) for historic preservation projects or programs of such local governments. In any year in which the total annual apportionment to the States exceed $65,000,000, one half of the excess shall also be transferred by the States to local governments certified pursuant to section 101(c).

(d) The Secretary shall establish guidelines for the use and distribution of funds under subsection (c) to insure that no local government receives a disproportionate share of the funds available, and may include a maximum or minimum limitation on the amount of funds distributed to any single local government. The guidelines shall not limit the ability of any State to distribute more than 10 per centum of its annual apportionment under subsection (c), nor shall the Secretary require any State to exceed the 10 per centum minimum distribution to local governments.

Section 104

Insured loans

(a) The Secretary shall establish and maintain a program by which he may, upon application of a private lender, insure loans (including loans made in accordance with a mortage) made by such lender to finance any project for the preservation of a property included on the National Register.

(b) A loan may be insured under this section only if--

(1) the loan is made by a private lender approved by the Secretary as financially sound and able to service the loan properly;

(2) the amount of the loan, and interest rate charged with respect to the loan, do not exceed such amount, and such a rate, as is established by the Secretary, by rule;

(3) the Secretary has consulted the appropriate State Historic Preservation Officer concerning the preservation of the historic property;

(4) the Secretary has determined that the loan is adequately secured and there is reasonable assurance of repayment;

(5) the repayment period of the loan does not exceed the lesser of forty years or the expected life of the asset financed;

(6) the amount insured with respect to such loan does not exceed 90 per centum of the loss sustained by the lender with respect to the loan; and

(7) the loan, the borrower, and the historic property to be preserved meet other terms and conditions as may be prescribed by the Secretary, by rule, especially terms and conditions relating to the nature and quality of the preservation work.

Interest rates

The Secretary shall consult with the Secretary of the Treasury regarding the interest rate of loans insured under this section.

(c) The aggregate unpaid principal balance of loans insured under this section and outstanding at any one time may not exceed the amount which has been covered into the Historic Preservation Fund pursuant to section 108 and subsections (g) and (i) of this section, as in effect on the date of the enactment of the Act but which has not been appropriated for any purpose.

(d) Any contract of insurance executed by the Secretary under this section may be assignable, shall be an obligation supported by the full faith and credit of the United States, and shall be incontestable except for fraud or misrepresentation of which the holder had actual knowledge at the time it became a holder.

(e) The Secretary shall specify, by rule and in each contract entered into under this section, the conditions and method of payment to a private lender as a result of losses incurred by the lender on any loan insured under this section.

(f) In entering into any contract to insure a loan under this section, the Secretary shall take steps to assure adequate protection of the financial interest of the Federal Government. The Secretary may--

(1) in connection with any foreclosure proceeding, obtain, on behalf of the Federal Government, the property securing a loan insured under this title; and

(2) operate or lease such property for such period as may be necessary to protect the interest of the Federal Government and to carry out subsection (g).

Property conveyance

(g) (1) In any case in which a historic property is obtained pursuant to subsection (f), the Secretary shall attempt to convey such property to any governmental or nongovernmental entity under such conditions as will ensure the property's continued preservation and use; except that if, after a reasonable time, the Secretary, in consultation with the Advisory Council on Historic Preservation, determines that there is no feasible and prudent means to convey such property and to ensure its continued preservation and use, then the Secretary may convey the property at the fair market value of its interest in such property to any entity without restriction.

(2) Any funds obtained by the Secretary in connection with the conveyance of any property pursuant to paragraph (1) shall be covered into the historic preservation fund, in addition to the amounts covered into such fund pursuant to section 108 and subsection (i) of this section, and shall remain available in such fund until appropriated by the Congress to carry out the purposes of this Act.

(h) The Secretary may assess appropriate and reasonable fees in connection with insuring loans under this section. Any such fees shall be covered into the Historic Preservation Fund, in addition to the amounts covered into such fund pursuant to section 108 and subsection (g) of this section, and shall remain available in such fund until appropriated by the Congress to carry out the purposes of this Act.

(i) Notwithstanding any other provision of law, any loan insured under this section shall be treated as non-Federal funds by the recipient for payment of any portion of the costs of such project or activity.

Appropriation authorization

(j) Effective after the fiscal year 1981 there are authorized to be appropriated, such sums as may be necessary to cover payments incurred pursuant to subsection (e).

(k) No debt obligation which is made or committed to be made, or which is insured or commited to be insured, by the Secretary under this section shall be eligible for purchase by, or commitment to purchase by, or sale or issuance to , the Federal Financing Bank.

Section 105

The beneficiary of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the disposition by the beneficiary of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

Section 106

Advisory Council on Historic Preservation comment on Federal undertakings

The head of any Federal Agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic

Preservation established under Title II of this Act a reasonable opportunity to comment with regard to such undertaking.

Section 107

Nothing in this Act shall be construed to be applicable to the White House and its grounds, the Supreme Court building and its grounds, or the United States Capitol and its related buildings and grounds.

Section 108

Establishment of Historic Preservation Fund

To carry out the provisions of this Act, there is hereby established the Historic Preservation Fund (hereafter referred to as the "fund") in the Treasury of the United States.

There shall be covered into such fund $24,400,000 for fiscal year 1977, $1,000,000,000 for fiscal year 1978, $100,000,000 for fiscal year 1979, $150,000,000 for fiscal year 1980, $150,000,000 for fiscal year 1981, and $150,000,000 for each of fiscal years 1982 through 1987, from revenues due and payable to the United States under the Outer Continental Shelf Lands Act (67 Stat. 462, 469) as amended (43 U.S.C. 338) and/or under the Act of June 4, 1920 (41 Stat. 813) as amended (30 U.S.C. 191), notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Such moneys shall be used only to carry out the purposes of this Act and shall be available for expenditure only when appropriated by the Congress. Any moneys not appropriated shall remain available in the fund until appropriated for said purposes: Provided, that appropriations made pursuant to this paragraph may be made without fiscal year limitation.

Section 109

Donations to the Historic Preservation Fund

(a) In furtherance of the purposes of sections of this Act, the Secretary may accept the donation of funds which may be expended by him for projects to acquire, restore, preserve, or recover data from any district, building, structure, site, or object which is listed on the National Register of Historic Places established pursuant to section 101 of this Act, so long as the project is owned by a State, any unit of local government, or any nonprofit entity.

(b) In expending said funds, the Secretary shall give due consideration to the following factors: the national significance of the project; its historical value to the community; the imminence of its destruction or loss; and the expressed intentions of the donor. Funds expended under this subsection shall be made available without regard to the matching requirements established by section 102 of this Act, but the recipient of such funds shall be permitted to utilize them to match any grants from the Historic Preservation Fund established by section 108 of this Act.

(c) The Secretary is hereby authorized to transfer unobligated funds previously donated to the Secretary for purposes of the National Park Service, with the consent of the donor, and any funds so transferred shall be used or expended in accordance with the provisions of this Act.

Section 110

Federal agencies' responsibility to use historic buildings

(a) (1) The heads of all Federal agencies shall assume responsibility for the preservation of historic properties which are owned or controlled by such agency. Prior to acquiring, constructing, or leasing buildings for purposes of carrying out agency responsibilities, each Federal agency shall use, to the maximum extent feasible, historic properties available to the agency. Each agency shall undertake, consistent with the preservation of such properties and the mission of the agency and the professional standards established pursuant to section 101(f), any preservation, as may be necessary to carry out this section.

Nomination of Federal properties to the National Register

(2) With the advice of the Secretary and in cooperation with the State Historic Preservation Officer for the State involved, each Federal agency shall establish a program to locate, inventory, and nominate

to the Secretary all properties under the agency's ownership or control by the agency, that appear to qualify for inclusion on the National Register in accordance with the regulations promulgated under section 101(a)(2)(A). Each Federal agency shall exercise caution to assure that any such property that might qualify for inclusion is not inadvertently transferred, sold, demolished, substantially altered, or allowed to deteriorate significantly.

Recordation of Federal properties prior to demolition

(b) Each Federal agency shall initiate measures to assure that where, as a result of Federal action or assistance carried out by such agency, an historic property is to be substantially altered or demolished, timely steps are taken to make or have made appropriate records, and that such records then be deposited, in accordance with section 101(a), in the Library of Congress or with such other appropriate agency as may be designated by the Secretary, for future use and reference.

Designation of Federal Preservation Officers

(c) The head of each Federal agency shall, unless exempted under section 214, designate a qualified official to be known as the agency's "preservation officer" who shall be responsible for coordinating that agency's activities under this Act. Each Preservation Officer may, in order to be considered qualified, satisfactorily complete an appropriate training program established by the Secretary under section 101(g).

(d) Consistent with the agency's missions and mandates, all Federal agencies shall carry out agency programs and projects (including those under which any Federal assistance is provided or any Federal license, permit, or other approval is required) in accordance with the purposes of this Act and, give consideration to program and projects which will further the purposes of this Act.

Transfer of surplus Federal properties

(e) The Secretary shall review and approve the plans of transferees of surplus federally owned historic properties not later than ninety days after his receipt of such plans to ensure that the prehistorical, historical, architectural, or culturally significant values will be preserved or enhanced.

Standards for undertakings affecting National Historic Landmarks

(f) Prior to the approval of any Federal undertaking which may directly and adversely affect any National Historic Landmark, the head of the responsible Federal agency shall, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to such landmark, and shall afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking.

Mitigation activities declared an eligible project cost

(g) Each Federal agency may include the costs of preservation activities of such agency under this Act as eligible project costs in all undertakings of such agency or assisted by such agency. The eligible project costs may also include amounts paid by a Federal agency to any State to be used in carrying out such preservation responsibilities of the Federal agency under this Act, and reasonable costs may be charged to Federal licensees and permittees as a condition to the issuance of such license or permit.

Preservation awards program

(h) The Secretary shall establish an annual preservation awards program under which he may make monetary awards in amounts not to exceed $1,000 and provide citations for special achievements to officers and employees of Federal, State, and certified local governments in recognition of their outstanding contributions to the preservation of historic resources. Such program may include the issuance of annual awards by the President of the United States to any citizen of the United States recommended for such award by the Secretary.

(i) Nothing in this Act shall be construed to require the preparation of an environmental impact statement where such statement would not otherwise be required under the National Environmental Policy Act of 1969, and nothing in this Act shall be construed to provide any exemption from any requirement respecting the preparation of such a statement under such Act.

(j) The Secretary shall promulgate regulations under which the requirements of this section may be waived in whole or in part in the event of a major natural disaster or an imminent threat to the national secruity.

Section 111

Leases

(a) Notwithstanding any other provisions of law, any Federal agency may, after consultation with the Advisory Council on Historic Preservation, lease an historic property owned by the agency to any person or organization, or exchange any property owned by the agency with comparable historic property, if the agency head determines that the lease or exchange will adequately insure the preservation of the historic property.

(b) The proceeds of any lease under subsection (a) may, notwithstanding any other provision of law, be retained by the agency entering into such lease and used to defray the costs of administration, maintenance, repair, and related expenses incurred by the agency with respect to such property or other properties which are on the National Register which are owned by, or are under the jurisdiction or control of, such agency. Any surplus proceeds from such leases shall be deposited into the Treasury of the United States at the end of the second fiscal year following the fiscal year in which such proceeds were received.

(c) The head of any Federal agency having responsibility for the management of any historic property may, after consultation with the Advisory Council on Historic Preservation, enter into contracts for the management of such property. Any such contract shall contain such terms and conditions as the head of such agency deems necessary or appropriate to protect the interests of the United States and insure adequate preservation of historic property.

TITLE II

Section 201

Advisory Council on Historic Preservation; membership

(a) There is established an Advisory Council on Historic Preservation (hereinafter referred to as the "Council") which shall be composed of the following members:

(1) a Chairman appointed by the President selected from the general public;

(2) the Secretary of the Interior;

(3) the Architect of the Capital;

(4) the Secretary of Agriculture and the heads of four other agencies of the United States (other than the Department of the Interior), the activities of which affect historic preservation, appointed by the President;

(5) one Governor appointed by the President;

(6) one mayor appointed by the President;

(7) the President of the National Conference of State Historic Preservation Officers;

(8) the Chairman of the National Trust for Historic Preservation;

(9) four experts in the field of historic preservation appointed by the President from the disciplines of architecture, history, archeology, and other appropriate disciplines; and,

(10) three at-large members from the general public, appointed by the President.

(b) Each member of the Council specified in paragraphs (2) through (8) (other than (5) and (6)) may designate another officer of his department, agency, or organization to serve on the Council in his stead, except that, in the case of paragraphs (2) and (4), no such officer other than an Assistant Secretary or an officer having major departmentwide or agencywide responsibilities may be so designated.

Term of office

(c) Each member of the Council appointed under paragraph (1), and under paragraphs (9) and (10) of subsection (a) shall serve for a term of four years from the expiration of his predecessor's term; except that the members first appointed under that paragraph shall serve for terms of one to four years, as designated by the President at the time of appointment, in such manner as to insure that the terms of not more than two of them will expire in any one year. The members appointed under paragraphs (5) and (6) shall serve for the term of their elected office but not in excess of four years. An appointed member whose term has expired shall serve until that member's successor has been appointed.

Vacancies

(d) A vacancy in the Council shall not affect its powers, but shall be filled not later than sixty days after such vacancy commences, in the same manner as the original appointment (and for the balance of any unexpired terms). The members of the Advisory Council on Historic Preservation appointed by the President under this Act as in effect on the day before the enactment of the National Historic Preservation Act Amendments of 1980 shall remain in office until all members of the Council, as specified in this section, have been appointed. The members first appointed under this section shall be appointed not later than one hundred and eighty days after the enactment of the National Historic Preservation Act Amendments of 1980.

(e) The President shall designate a Vice Chairman, from the members appointed under paragraphs (5), (6), (9), or (10). The Vice Chairman may act in place of the Chairman during the absence or disability of the Chairman or when the office is vacant.

(f) Nine members of the Council shall constitute a quorum.

Section 202

(a) The Council shall--

(1) advise the President and the Congress on matters relating to historic preservation, recommend measures to coordinate activities of Federal, State, and local agencies and private institutions and individuals relating to historic preservation; and advise on the dissemination of information pertaining to such activities.

(2) encourage, in cooperation with the National Trust for Historic Preservation and appropriate private agencies, public interest and participation in historic preservation;

(3) recommend the conduct of studies in such areas as the adequacy of legislative and administrative statutes and regulations pertaining to historic preservation activities of State and local governments and the effects of tax policies at all levels of government on historic preservation;

(4) advise as to guidelines for the assistance of State and local governments in drafting legislation relating to historic preservation;

(5) encourage, in cooperation with appropriate public and private agencies and institutions, training and education in the field of historic preservation;

(6) review the policies and programs of Federal agencies and recommend to such agencies methods to improve the effectiveness, coordination, and consistency of those policies and programs with the policies and programs carried out under this Act; and,

(7) inform and educate Federal agencies, State and local governments, Indian tribes, other nations and international organizations and private groups and individuals as to the Council's authorized activities.

Annual report

(b) The Council shall submit annually a comprehensive report of its activities and the results of its studies to the President and the Congress and shall from time to time submit such additional and special reports as it deems advisable. Each report shall propose such legislative enactments and other actions as, in the judgment of the Council, are necessary and appropriate to carry out its recommendations and shall provide the Council's assessment of current and emerging problems in the field of historic preservation and an evaluation of the effectiveness of the programs of Federal agencies, State and local governments, and the private sector in carrying out the purposes of this Act.

Section 203

The Council is authorized to secure directly from any department, bureau, agency, board, commission, office, independent establishment or instrumentality of the executive branch of the Federal Government information, suggestions, estimates, and statistics for the purpose of this title; and each such department or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics to the extent permitted by law and within available funds.

Section 204

The members of the Council specified in paragraphs (2), (3), and (4) of section 201(a) shall serve without additional compensation. The other members of the Council shall receive $100 per diem when engaged in the performances of the duties of the Council. All members of the Council shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

Section 205

(a) There shall be an Executive Director of the Council who shall be appointed in the competitive service by the Chairman with the concurrence of the Council. The

Executive Director shall report directly to the Council and perform such functions and duties as the Council may prescribe.

(b) The Council shall have a General Counsel, who shall be appointed by the Executive Director. The General Counsel shall report directly to the Executive Director and serve as the Council's legal advisor. The Executive Director shall appoint such other attorneys as may be necessary to assist the General Counsel, represent the Council in courts of law whenever appropriate, including enforcement of agreements with Federal agencies to which the Council is a party, assist the Department of Justice in handling litigation concerning the Council in courts of law, and perform such other legal duties and functions as the Executive Director and the Council may direct.

(c) The Executive Director of the Council may appoint and fix the compensation of such officers and employees in the competitive service as are necessary to perform the functions of the Council at rates not to exceed that now or hereafter prescribed for the highest rate for grade 15 of the General Schedule under section 5332 of title 5, United States Code: Provided, however, That the Executive Director, with the concurrence of the Chairman, may appoint and fix the compensation of not to exceed five employees in the competitive service at rates not to exceed that now or hereafter prescribed for the highest rate of grade 17 of the General Schedule under section 5332 of Title 5, United States Code.

(d) The Executive Director shall have power to appoint and fix the compensation of such additional personnel as may be necessary to carry out its duties, without regard to the provisions of the civil service laws and the Classification Act of 1949.

(e) The Executive Director of the Council is authorized to procure expert and consultant services in accordance with the provisions of section 3109 of title 5, United States Code.

(f) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior, for which payments shall be made in advance, or by reimbursement, from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the Secretary of the Interior; Provided, That the regulations of the Department of the Interior for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 46e) shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of said Secretary for the administrative control of funds (31 U.S.C. 665(g)) shall apply to appropriations of the Council: And provided further, That the Council shall not be requried to prescribe such regulations.

(g) The members of the Council specified in paragraphs (2) through (4) of section 201(a) shall provide the Council, with or without reimbursement as may be agreed upon by the Chairman and the members, with such funds, personnel, facilities, and services under their jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that such funds, personnel, facilities, and services are requested by the Council and are otherwise available for that purpose. The the extent of available appropriations, the Council may obtain, by purchase, rental, donation, or otherwise, such additional property, facilities, and services as may be needed to carry out its duties and may also receive donations of moneys for such purpose, and the Executive Director is authorized, in his discretion, to accept, hold, use, expend, and administer the same for the purposes of this Act.

Section 206

International Centre for the Study of the Preservation and Restoration of Cultural Property

(a) The participation of the United States as a member of the International Centre for the Study of the Preservation and Restoration of Cultural Property is hereby authorized.

(b) The Council shall recommend to the Secretary of State, after consultation with the Smithsonian Institution and other public and private organizations concerned with the technical problems of preservation, the members of the official delegation which will participate in the activities of the Centre on behalf of the United States. The Secretary of State shall appoint the members of the official delegation from the persons recommended to him by the Council.

(c) For the purposes of this section there is authorized to be appropriated an amount equal to the assessment for United States membership in the Centre for fiscal years 1979, 1980, 1981, and 1982: Provided, That no appropriation is authorized and no payment shall be made to the Centre in excess of 25 per centum of the total annual assessment of such organization. Authorization for payment of such assessment shall begin in fiscal year 1981, but shall include earlier costs.

Section 207

So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, programmed, or available or to be made available by the Department of the Interior in connection with the functions of the Council, as the Director of the Office of Management and Budget shall determine, shall be transferred from the Department to the Council within 60 days of the effective date of this Act.

Section 208

Any employee in the competitive service of the United States transferred to the Council under the provisions of this section shall retain all rights, benefits, and privileges pertaining thereto held prior to such transfer.

Section 209

The Council is exempt from the provisions of the Federal Advisory Committee Act (86 Stat. 770), and the provisions of the Administrative Procedure Act (80 Stat. 381) shall govern the operations of the Council.

Section 210

No officer or agency of the United States shall have any authority to require the Council to submit its legislative recommendations, or testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress. In instances in which the Council voluntarily seeks to obtain the comments or review of any officer or agency of the United States, the Council shall include a description of such actions in its legislative recommendations, testimony, or comments on legislation which it transmits to the Congress.

Section 211

Local government participation in Council proceedings

The Council is authorized to promulgate such rules and regulations it deems necessary to govern the implementation of section 106 of this Act. The Council shall, by regulation, establish such procedures as may be necessary to provide for participation by local governments in proceedings and other actions taken by the Council with respect to undertakings referred to in section 106 which affect such local governments.

Section 212

Council appropriation authorization

(a) The Council shall submit its budget annually as a related agency of the Department of the Interior. To carry out the provisions of this title, there are authorized to be appropriated not more than $1,500,000 in fiscal year 1977, $1,750,000 in fiscal year 1978, and $2,000,000 in fiscal year 1979. There are authorized to be appropriated not to exceed $2,250,000 in fiscal year 1980, $2,500,000 in fiscal year 1981, $2,500,000 in fiscal year 1982, and $2,500,000 in fiscal year 1983.

(b) Whenever the Council submits any budget estimate or request to the President of the Office of Management and Budget, it shall concurrently transmit copies of that estimate or request to the House and Senate Appropriations Committees and the House Committee on Interior and Insular Affairs and the Senate Commitee on Energy and Natural Resources.

Section 213

To assist the Council in discharging its responsibilities under this Act, the Secretary at the request of the Chairman, shall provide a report to the Council detailing the significance of any historic property, describing the effects of any proposed undertaking on the affected property, and recommending measures to avoid, minimize, or mitigate adverse effects.

Section 214

Exemptions from Council review

The Council, with the concurrence of the Secretary, shall promulgate regulations or guidelines, as appropriate, under which Federal programs or undertakings may be exempted from any or all of the requirements of this Act when such exemption in determined to be consistent with the purposes of this Act, taking into consideration the magnitude of the exempted undertaking or program and the likelihood of impairment of historic properties.

TITLE III

Section 301

Definitions

As used in this Act, the term--

(1) "Agency" means agency as such term is defined in section 551 of title 5, United States Code, except that in the case of any Federal program exempted under Section 214, the agency administering such

program shall not be treated as an agency with respect to such program.

(2) "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific Islands.

(3) "Local government" means a city, county, parish, township, municipality, or borough, or any other general purpose political subdivision of any State.

(4) "Indian tribe" means the governing body of any Indian tribe, band, nation, or other group which is recognized as an Indian tribe by the Secretary of the Interior for which the United States holds land in trust or restricted status for the entity or its members. Such term also includes any Native village corporation, regional corporation, and Native Group established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1701 et seq.).

(5) "Historic property" or "historic resource" means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register; such term includes artifacts, records, and remains which are related to such a district, site, building, structure, or object.

(6) "National Register" or "Register" means the National Register of Historic Places established under section 101.

(7) "Undertaking" means any action as described in section 106.

(8) "Preservation" or "historic preservation" includes identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance and reconstruction, or any combination of the foregoing activities.

(9) "Cultural park" means a definable urban area which is distinguished by historic resources and land related to such resources and which constitutes an interpretive, educational, and recreational resource for the public at large.

(10) "Historic conservation district" means an urban area of one or more neighborhoods and which contains (A) historic properties, (B) buildings having similar or related architectural characteristics, (C) cultural cohesiveness, or (D) any combination of the foregoing.

(11) "Secretary" means the Secretary of the Interior except where otherwise specified.

(12) "State Historic Preservation Review Board" means a board, council, commission, or other similar collegial body established as provided in section 101(b)(1)(B)--

(A) the members of which are appointed by the State Historic Preservation Officer (unless otherwise provided for by State law),

(B) a majority of the members of which are professionals qualified in the following and related disciplines: history, prehistoric and historic archaeology, architectural history, and architecture, and

(C) which has the authority to--

(i) review National Register nominations and appeals from nominations;

(ii) review appropriate documentation submitted in conjunction with the Historic Preservation Fund;

(iii) provide general advice and guidance to the State Historic Preservation Oficer, and

(iv) perform such other duties as may be appropriate.

(13) "Historic preservation review commission" means a board, council, commission, or other similar collegial body

which is established by State or local legislation as provided in section 101(c)(1)(B), and the members of which are appointed, unless otherwise provided by State or local legislation, by the chief elected official of the jurisdiction concerned from among--

(A) professionals in the disciplines of architecture, history, architectural history, planning, archeology, or related disciplines, to the extent such professionals are available in the community concerned, and

(B) such other persons as have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines and as will provide for an adequate and qualified commission.

Section 302

Where appropriate, each Federal agency is authorized to expend funds appropriated for its authorized programs for the purposes of activities carried out pursuant to this Act, except to the extent appropriations legislation expressly provides otherwise.

Section 303

(a) The Secretary is authorized to accept donations and bequests of money and personal property for the purposes of this Act and shall hold, use, expend, and administer the same for such purposes.

(b) The Secretary is authorized to accept gifts or donations of less than fee interests in any historic property where the acceptance of such interests will facilitate the conservation or preservation of such properties. Nothing in this section or in any provision of this Act shall be construed to affect or impair any other authority of the Secretary under other provision of law to accept or acquire any property for conservation or preservation or for any other purpose.

Section 304

Confidentiality of the location of sensitive historic resources

The head of any Federal agency, after consultation with the Secretary, shall withhold from disclosure to the public, information relating to the location or character of historic resources whenever the head of the agency or the Secretary determines that the disclosure of such information may create a substantial risk of harm, theft, or destruction to such resources or to the area or place where such resources are located.

Section 305

Attorneys fees

In any civil action brought in any United States district court by any interested person to enforce the provisions of this Act, if such person substantially prevails in such action, the court may award attorney's fees, expert witness fees, and other costs of participating in such action, as the court deems reasonable.

Section 306

National Center for the Building Arts

(a) In order to provide a national center to commemorate and encourage the building arts and to preserve and maintain a nationally significant building which exemplifies the great achievements of the building arts in the United States, the Secretary and the Administrator of the General Services Administration are authorized and directed to enter into a cooperative agreement with the Committee for a National Museum of the Building Arts, Incorporated, a nonprofit corporation organized and existing under the laws of the District of Columbia, or its successor, for the operation of a National Museum for the Building Arts in the Federal Building located in the block bounded by Fourth Street, Fifth Street, F Street, and G Street, Northwest in Washington, District of Columbia. Such museum shall--

(1) collect and disseminate information concerning the building arts, including the establishment of a national reference center for current and historic documents, publications, and research relating to the building arts;

(2) foster educational programs relating to the history, practice and contribution to society of the building arts, including promotion of imaginative educational approaches to enhance understanding and appreciation of all facets of the building arts;

(3) publicly display temporary and permanent exhibits illustrating, interpreting and demonstrating the building arts;

(4) sponsor or conduct research and study into the history of the building arts and their role in shaping our civilication; and

(5) encourage contributions to the building arts.

(b) The cooperative agreement referred to in subsection (a) shall include provisions which--

(1) make the site available to the Committee referred to in subsection (a) without charge;

(2) provide, subject to available appropriations, such maintenance, security, information, janitorial and other services as may be necessary to assure the preservation and operation of the site; and

(3) prescribe reasonable terms and conditions by which the Committee can fulfill its responsibilities under this Act.

(c) The Secretary is authorized and directed to provide matching grants-in-aid to the Committee referred to in subsection (a) for its programs related to historic preservation. The Committee shall match such grants-in-aid in a manner and with such funds and services as shall be satisfactory to the Secretary, except that no more than $500,000 may be provided to the Committee in any one fiscal year.

Site renovation

(d) The renovation of the site shall be carried out by the Administrator with the advice of the Secretary. Such renovation shall, as far as practicable--

(1) be commenced immediately,

(2) preserve, enhance, and restore the distinctive and historically authentic architectural character of the site consistent with the needs of a national museum of the building arts and other compatible use, and

(3) retain the availability of the central court of the building, or portions thereof, for appropriate public activities.

(e) The Committee shall submit an annual report to the Secretary and the Administrator concerning its activities under this section and shall provide the Secretary and the Administrator with such other information as the Secretary may, from time to time, deem necessary or advisable.

(f) For purposes of this section, the term "building arts" includes, but shall not be limited to, all practical and scholarly aspects of prehistoric, historic, and contemporary architecture, archeology, construction, building technology and skills, landscape architecture, preservation and conservation, building and construction, engineering, urban and community design and renewal, city and regional planning, and related professions, skills, trades and crafts.

Section 307

Transmittal of regulations to Congressional committees

(a) At least thirty days prior to publishing in the Federal Register any proposed regulation required by this Act, the Secretary shall transmit a copy of the regulation to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The Secretary also shall transmit to such committees a copy of any final regulation prior to its publication in the Federal Register. Except as provided in subsection (b) of this section, no final regulation of the Secretary shall become effective prior to the expriation of thirty calendar days after it is published in the Federal Register during which either or both Houses of Congress are in session.

(b) In the case of an emergency, a final regulation of the Secretary may become effective without regard to the last sentence of subsection (a) if the Secretary notified in writing the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate setting forth the reasons why it is necessary to make the regulation effective prior to the expiration of the thirty-day period.

(c) Except as provided in subsection (b), the regulation shall not become effective if, within ninety calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: "That Congress disapproves the regulation promulgated by the Secretary dealing the matter of which regulation was transmitted to Congress on ," the blank spaces therein being appropriately filled.

(d) If at the end of sixty calendar days of continuous session of Congress after the date of promulgation of a regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the regulation, and neither House has adopted such a resolution, the regulation may go into effect immediately. If, within such sixty calendar days, such a committee has reported or been discharged from further consideration of such a resolution, the regulation may go into effect not sooner than ninety calendar days of continuous session of Congress after its promulgation unless disapproved as provided for.

(e) For the purposes of this section--

(1) continuity of session is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are

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excluded in the computation of sixty and ninety calendar days of continuous session of Congress.

(f) Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of such regulation.

APPENDIX N: DIRECTIVES AND SUPPLEMENTARY GUIDANCE

United States Department of the Interior

NATIONAL PARK SERVICE
WASHINGTON, D.C. 20240

IN REPLY REFER TO:

A5623(562)

JAN. 21, 1981

SPECIAL DIRECTIVE 81-1 **Annual Review**

To: Directorate and Field Directorate

From: Director

Subject: Research and Planning

On January 8-10, 1979, the Conference on Cultural Resources Management was held at Harpers Ferry. As a participant in the sessions I recall the meeting vividly. There were many lively discussions and considerable good work on the part of the working committees charged with the responsibility of drafting a series of recommendations for the improvement of cultural resources management in the Service. A number of these recommendations have been consolidated and issued as memorandums to you from time to time. I trust you will read them and implement them. They are easily identifiable since the subject lines ordinarily carry the identification, "Implementation of the Recommendations of the Harpers Ferry Cultural Resources Management Conference" or words to that effect. Some of them are numbered. If you need information about them you may contact Ross Holland, Assistant Director, Cultural Resources, WASO.

It is time now to return to those recommendations with a renewed sense of initiative. For this reason I have chosen the medium of a staff directive to bring home to you the urgency that I feel regarding the needed refinement of the ways we handle cultural resources.

Good planning is critical to the preservation of cultural resources. One of the significant observations of the Harpers Ferry Conference was that good research is the essential underpinning of good planning. It is good research and adequate data-gathering that provide the dependable base upon which a management plan stands. We need to do more than pay lip service to this fundamental principle. We need a demonstrated commitment to it.

At the Harpers Ferry Conference, the Committee on Planning, Compliance, and Program Execution expressed a basic concern for the need to accomplish the studies and research required to identify and evaluate cultural resources before planning starts. Too often research studies are begun only after planning decisions have been made. The degree and nature of the research required for the planning task often have not been determined until virtually irreversible planning steps have been taken.

To remedy these deficiencies and demonstrate the agency's commitment to the principle of the priority of research in the planning process, I am asking you to:

1. Have research programmed and funded at least one year prior to the initiation of a general management plan, if at all possible.

2. Determine the level of research required, measuring that determination against the complexity of the planning requirement.

3. Make every reasonable effort to obtain adequate resource data prior to development of a general management plan.

4. Assure that each task directive for a general management plan describe level of resource data available and certify that the data is adequate.

The above requirements are no more than an elaboration of the policy spelled out in the Management Policies, II-2, namely, "In the absence of adequate information for planning and management decisions, its acquisition becomes a prerequisite to action."

I am aware that the Congress has mandated that planning must precede action in the parks and often within specific and difficult time constraints. In the event that inadequate data gathering is likely to produce an inadequate plan we will ask the Congress for an extension. If such extension is not forthcoming then planning will proceed with less than adequate data but in a manner so as not to impair significant resources.

Russell E. Dickenson

United States Department of the Interior

NATIONAL PARK SERVICE
WASHINGTON, D.C. 20240

IN REPLY REFER TO:
A5623(567)
H22

MARCH 6, 1980

SPECIAL DIRECTIVE 80-1

To: Field Directorate, Managers, Denver Service Center, and Harpers Ferry Center

From: Deputy Director

Subject: Storage of Museum Collections

The National Park Service is one of the nation's largest museums. Every park has historic objects, architectural, and archeological artifacts or natural history specimens in their custody. As with other park resources, these items deserve the very best management we can provide. In total, the National Park system has holdings of over ten million museum items conservatively valued at over 150 million dollars.

In all too many instances, this material is improperly stored in substandard conditions. A few parks have no space that will meet professionally established standards for museum storage. There are other parks which have suitable space, but have assigned it to less important uses. Finally, some new visitor facilities are being constructed without adequate consideration of the special requirements of and need for museum storage facilities.

The Management Policies of the Service call for the appropriate preservation treatment and adequate storage of museum specimens. Each Superintendent should insure that the best available storage space is being used to protect the park museum collection. If such space is lacking, the park Outline of Planning Requirement (OPR) should identify the need for correction of deficiencies in museum storage space, and the requirement should be programmed. Each park's Scope of Collectioins statement should be revised to indicate whether the space used for collection os suitable. Needed inprovements shoudl be specified in the statement. The Denver Service Center planners should design suitable museum storage facilities in all new construction when such space is required. The Regional Curators and the Division of Museum Services at Harpers Ferry Center will lend technical assistance for the development and planning of museum storage space.

Year of the Visitor

Serious consideration should be given to the storage of collections recovered as a result of archeological (both historic and prehistoric) research, and systematic collections of objects having research potential, at Service archeological centers or at cooperating museums and universities. The reason for this is to avoid the use of relatively high cost park building space for these kinds of collections and to make them more accessible to scholars.

This directive will remain in effect until incorporated in the Cultural Resources Management Guidelines.

United States Department of the Interior

NATIONAL PARK SERVICE
WASHINGTON, D.C. 20240

IN REPLY REFER TO:
A5623(560)

[illegible] 1978

SPECIAL DIRECTIVE 78-1

Annual Review

Memorandum

To: Directorate and All Regional Directors

From: Acting Director

Subject: Policy Guidelines for Native American Cultural Resources Management

The revised Management Policies have gone to press but since there is an immediate need for a policy on Native American cultural resources management, the following will govern Service activities that involve Native Americans:

> In carrying out its mandate for the conservation and public enjoyment of park lands and their resources, the Service, consistent with each park's legislative history, purpose and management objectives, will develop and execute its programs in a manner that reflects informed awareness, sensitivity, and serious concern for the traditions, cultural values and religious beliefs of Native Americans who have ancestral ties to such lands. This policy includes developing means for reasonable access to and non-recreational use of sites with traditional, ceremonial or religious significance; the involvement of Native Americans in the decision making process where their traditions and cultural values will be affected by park programs; and providing technical assistance or participating in cooperative activities or programs related to Native American culture history, cultural traditions, or cultural resources.

Primary responsibility for dealing with Native American concerns rests with the Regional Director. In cases pertinent only to a local situation which are not expected to set precedent, escalate, or have effects beyond the area or issue in question, the Regional Director may delegate the responsibility to the area manager. Where a decision must be reached which may incur litigation, affect Service policy, provide for long term use of park lands, impact policies or practices of other Federal land managing agencies, impact the conduct of professional research, touch on the obvious interests of Native Americans elsewhere, or reflect on the Service or Federal Government, the Regional Director shall retain full responsibility, keeping the Washington Office Directorate informed of developments as they occur. The Regional Director shall refer issues having a regionwide or Servicewide impact to the Washington Office for review and concurrence of the solution proposed.

For the purposes of these policies, the term Native American applies to: American Indians, Eskimos, and Aleuts in North America; Polynesians in Hawaii and American Samoa; Chamorros in Guam and the Northern Marianas Islands. The following guidelines should govern Service relationships with Native Americans:

1. Sites which are significant to a local or tribal entity may be used by them for non-destructive, ceremonial purposes. When appropriate, a public assembly permit, in accordance with 36 CFR 2.21, may be required. If necessary, Native Americans may enter and camp overnight for the duration of such ceremonies without entrance or camping fees, providing their use of the park is non-recreational. Prior arrangements with the park must be made, and assurances given, that no negative effects on the resources will occur. Where privacy is a factor it should be assured. If the resource is also traditionally available to the public at large, equitable arrangements must be negotiated by the park manager.

2. Participation of Native Americans in an advisory capacity for planning and review purposes, and as park interpreters, is encouraged. Consultation with appropriate persons or groups relative to emergency preservation of cultural materials is also encouraged. Appointments to boards and committees should be based on appropriate combinations of expertise and credibility as representatives of a Native American group. Where planning, development, or interpretation relate to Native American interests, consultation with Native Americans is very important. Expertise of the consultant can be established on the basis of "credentials of eminence" as well as formal training. Such credentials will be recognized on the same basis as by the United Nations to identify human custodians of ceremonial, artisan, and craft skills.

3. An informal listing of Native American cultural resources should be made for each park, categorized as to the nature of the resource (site, structure, object, other) and the type and degree of its historic,

cultural, and religious significance, with or without tangible physical evidence. These lists, for reasons of security, should not be formally filed pending further notice. Such lists should be compiled in cooperation with appropriate local Native American persons or groups.

4. Service collections of artifacts, objects of antiquity and cultural resources acquired in the course of professional research and which constitute an integral part of a systematic scientific collection will remain an individual part of the collection and will remain under the ownership and control of the Service.

In all matters other than those described above, Native American issues will be addressed on their merits by the park manager, with memoranda of explanation to the Regional Director, who shall be responsible for informing the Washington Office Directorate.

The Chief, Cultural Resources Management Division is assigned WASO program management responsibility for this activity.

Ira J. Hutchison

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APPENDIX O: CONSERVATION CODE OF ETHICS

AIC

The American Institute for Conservation of Historic and Artistic Works

CODE OF ETHICS AND STANDARDS OF PRACTICE

INTRODUCTION

The first formulation of a code of ethics for art conservators, adopted by the members of IIC-American Group (now AIC) at the annual meeting in Ottawa, Canada, on May 27, 1967, was produced by the Committee on Professional Relations: Sheldon Keck, Chairman, Richard D. Buck, Dudley T. Easby, Rutherford J. Gettens, Caroline Keck, Peter Michaels and Louis Pomerantz.

The first formulation of standards of practice and professional relationships by any group of art conservators was produced by the IIC-American Group (now AIC) Committee on Professional Standards and Procedures under the direction of Murray Pease, Conservator, Metropolitan Museum of Art. Other members of the committee were Henri G. Courtais, Dudley T. Easby, Rutherford J. Gettens, and Sheldon Keck. The report was adopted by the IIC-AG at the annual meeting of the group in New York on June 8, 1963. It was published in Studies in Conservation, Vol. 9, No. 3, August 1964, pp. 116-121. The primary purpose of this document was to provide accepted criteria against which a specific procedure or operation can be measured when a question as to its adequacy has been raised.

The responsibility of revising and updating the original code of ethics and standards of practice and professional relationships was assigned to the AIC Committee on Ethics and Standards: Elisabeth C.G. Packard, Chairman, Barbara H. Beardsley, Perry C. Huston, Kate C. Lefferts, Robert M. Organ, and Clements L. Robertson.

The original format has been retained except that the more general Code of Ethics has been placed first as Part One, followed by Standards of Practice as Part Two.

The revised versions were adopted by the Fellows of AIC at the annual meeting in Toronto, Canada on 31 May 1979.

PART ONE - CODE OF ETHICS

I. PREAMBLE

Conservation of historic and artistic works is a pursuit requiring extensive training and special aptitudes. It places in the hands of the conservator* cultural holdings which are of great value and historical significance. To be worthy of this special trust requires a high sense of moral responsibility. Whether in private practice or on the staff of an institution or regional center the conservator has obligations not only to the historic and artistic works with which he** is entrusted, but also to their owners or custodians, to his colleagues and trainees, to his profession, to the public and to posterity. The following code expresses principles and practices which will gide the conservator in the ethical practice of his profession.

II. OBLIGATIONS TO HISTORIC AND ARTISTIC WORKS

A. Respect for Integrity of Object
All professional actions of the conservator are governed by unswerving respect for the aesthetic, historic and physical integrity of the object.

B. Competence and Facilities
It is the conservator's responsibility to undertake the investigation or treatment of an historic or artistic work only within the limits of his professional competence and facilities.

C. Single Standard
With every historic or artistic work he undertakes to conserve, regardless of his opinion of its value or quality, the conservator should adhere to the highest and most exacting standard of treatment. Although circumstances may limit the extent of treatment, the quality of the treatment should never be governed by the quality or value of the object. While special techniques may be required during treatment of large groups of objects, such as archival and natural history material, these procedures should be consistent with the conservator's respect for the integrity of the objects.

D. Suitability of Treatment
The conservator should not perform or recommend any treatment which is not appropriate to the preservation or best interests of the

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*Hereafter in the text the word "conservator" also denotes "conservation scientists" when applicable.

**In this text "he" and related pronouns are used in the classical sense to denote the person, male or female.

historic or artistic work. The necessity and quality of the treatment should be more important to the professional than his remuneration.

E. Principle of Reversibility

The conservator is guided by and endeavors to apply the "principle of reversibility" in his treatments. He should avoid the use of materials which may become so intractable that their future removal could endanger the physical safety of the object. He also should avoid the use of techniques, the results of which cannot be undone if that should become desirable.

F. Limitations on Aesthetic Reintegration

In compensating for damage or loss, a conservator may supply little or much restoration, according to a firm previous understanding with the owner or custodian and the artist, if living. It is equally clear that he cannot ethically carry compensation to a point of modifying the known character of the original.

G. Continued Self Education

It is the responsibility of every conservator to remain abreast of current knowledge in his field and to continue to develop his skills so that he may give the best treatment circumstances permit.

H. Auxiliary Personnel

The conservator has an obligation to protect and preserve the historic and artistic works under his care at all times by supervising and regulating the work of all auxiliary personnel, trainees and volunteers under his professional direction. A conservator should not contract or engage himself to clients as a supervisor of insuffcently trained auxiliary personnel unless he can arrange to be present to direct the work.

III. RESPONSIBILITIES TO THE OWNER OR CUSTODIAN

A. Contracts

Contract practice may permit a conservator to enter into an agreement with individuals, institutions, corporations, or governmental agencies to provide conservation services, provided that the contract or agreement does not contravene the principles of ethics as laid down or implied in this code.

B. Changes in Treatment or Fee

Any changes on the part of the conservator in the contracted planned procedure in treating historic and artistic works, or changes in the fee which has previously been estimated should, unless circumstances intervene, be made known to the owner or custodian and be approved in writing before the changes are effected.

C. Abrogation of Contract

The conservator should understand that an owner or custodian is free to select, without persuasion or admonition, the services of any conservator of his choice or of more than one conservator simultaneously, and is also at liberty to change from one conservator to another at his own discretion. However, after a contract, oral or written, has been made for the treatment of a specific object, neither the conservator nor the owner may ethically withdraw from it except by mutual agreement.

D. Proper Course of Treatment

Inasmuch as an owner may not be competent to judge the conservation requirements of his historic and artistic possessions, the conservator should honestly and sincerely advise what he considers the proper course of treatment.

E. Report of Examination

Before performing any treatment on an object, the conservator should first make an adequate examination and record of condition.* The conservator is obliged to report his findings and recommendations to the owner or custodian or their delegate and await instructions before proceeding.

F. Record of Treatment

A record of treatment* should also be made by the conservator. He has the obligation to record and report in detail to the owner or custodian the materials and methods of procedure employed in treating the object.

G. Punctuality and Expedition

It is the obligation of the conservator to estimate the length of time it will take to complete the treatment and to abide by his contract with reasonable punctuality.

H. Fees

Fees for conservation service should be commensurate with the service rendered, with due regard for fairness to the owner or custodian and to the conservator and for respect for the profession.

In determining the amount of the fee, it is proper to consider (1) time and labor required, (2) cost of materials and insurance, (3) novelty and difficulty of the treatment, (4) customary charges of others for like services, (5) the problems involved in treating a work of high value, (6) character of the employment--casual or constant client.

*Standard procedures for engaging in and reporting of examination and treatment of historic and artistic works are described in Part Two, Sections IV and V.

An owner's ability to pay cannot justify a charge in excess of the value of the service.

Conservators should avoid charges which overestimate the worth of their services, as well a those which undervalue them.

Because of variations in the treatment of similar conditions, it is impossible to establish with mathematical accuracy a set fee for a particular type of service.

I. Warranty or Guarantee
Although the conservator at all times should follow the highest standards and, to the best of his knowledge, the most acceptable procedures, to warrant or guarantee the results of a treatment is unprofessional. This is not to be construed to mean that he should not willingly and freely correct defects or unforeseen alterations which, in his opinion, have occurred prematurely following his treatment.

IV. RELATIONS WITH COLLEAGUES, TRAINEES AND THE PROFESSION

A. Contribution to Profession
A conservator has an obligation to share his knowledge and experience with his colleagues and with serious students. He should show his appreciation and respect to those from whom he has learned and to those who have contributed in the past to the knowledge and art of the profession by presenting without thought of personal gain such advancements in his techniques of examination and treatment which may be of benefit to the profession. The originator of a novel method of treatment or a new material should make full disclosure of the composition and properties of all materials and techniques employed. The originator is expected to cooperate with other conservators and conservation scientists employing or evaluating the proposed methods or materials. None of the above is intended to infringe upon the proprietary rights of the originator.

B. Trainees and Interns
The conservator, private or institutional, has a responsibility to undertake the training and instruction of apprentices, trainees and interns, but only within the limits of his expert knowledge and the technical facilities available. The rights and objectives of both the trainer and the apprentice should be clearly stated and mutually agreed upon in writing, and should include such items as anticipated length of apprenticeship, areas of competence to be taught and payments.

C. References
A conservator should not recommend or provide a reference for a person applying for a position as a professional conservator unless the conservator has personal knowledge that the applicant's training, experience, and performance qualify him for the position.

D. Intermediaries
The professional services of a conservator should not be controlled or exploited by any agency, personal or corporate, which intervenes between client and practitioner; the conservator's responsibilities and qualifications are individual and personal. He should avoid all relationships which direct the performance of his duties by or in the interest of such intermediary. This does not preclude his working under the direction of another qualified conservator, whether in private practice or within an institutional system.

E. Request for Consultation
If, for any reason, before or during treatment the owner or custodian desires another opinion on procedure through consultation with another conservator, this should not be regarded as evidence of lack of confidence and should be welcomed by the conservator.

F. Consultation
No person engaged in the profession of conservation can expect to be expertly informed on all phases of examination, analysis and treatment. In instances of doubt there should be no hesitation in seeking the advice of other professionals, or in referring the owner to a conservator more experienced in the particular special problems.

G. Misuse of Referral in Client-Conservator Relationships
Where clients have been referred for consultation or treatment, the conservator to whom they have been referred should, unless it was obviously otherwise intended, return the client to the original conservator as soon as possible. Efforts, direct or indirect, in any way to encroach upon the professional employment of another conservator are considered unprofessional.

H. Fee Splitting
The payment of a commission or fee to another conservator or any other person for the reference of a client is to be condemned as unprofessional. Division of a fee is only acceptable where it is based on a division of service or responsibility.

I. Comment on Qualifications of Another Conservator
It is unethical for a conservator to volunteer adverse judgment on the qualifications of and procedures rendered by another conservator except as such comment shall be to the mutual benefit of all concerned. In expressing an opinion about another practitioner, either voluntarily or at the request of someone outside the profession, the conservator must always conscientiously consider the iniquity of slander and must scrupulously base his statement on facts of which he has personal knowlege. If his opinion is uncertain or dependent on hearsay, it is more constructive to withhold comment and to recommend instead someone of whom he has no doubt.

V. OBLIGATIONS TO THE PUBLIC

A. Education of the Public
In his relations with the public, every conservator should accept such opportunities as may be presented to educate the public in the aims, desires and purposes of his profession in order that a better popular understanding of conservation may be established. Such presentations sould be in accordance with accepted principles of the time.

B. Safeguarding the Public Interests
In the interests of the public as well as their own profession, conservators should observe accepted standards and laws, uphold the dignity and honor of the profession and accept its self-imposed disciplines. They should do their part to safeguard the public against illegal or unethical conduct by referring the facts of such delinquency to the appropriate professional committee. Further, it is the right of any conservator to give proper advice when it is requested by those seeking relief against negligent or unethical practices.

C. Expertises
Although the results of his examination and treatment of historic and artistic works may make it possible for him to contribute knowledge to the history of art and to the verification of the authorship or authenticity of an object, the issuing of paid expertises or authentications may involve conflict of interest and is not an appropriate or ethical activity for a conservator.

D. Appraisals
Because of his intimate contact with and knowledge of techniques of fabrication and the physical condition of historic and artistic works, a conservator is often asked to appraise for a fee the monetary value of an object. Since this activity may involve conflicts of interest inconsistent with the profession of conservation and since appraising requires other specialized knowledge of market values and connoisseurship, appraisal for a fee is not recommended unless the individual is a professional member of a recognized professional society of appraisers.

E. Art Dealing
Engaging in the business of selling or purchasing for personal profit or acting as a paid or commissioned agent in the sale of historic and artistic works are activities considered to be inconsistent with the professional integrity of conservators.

F. Advertising
It is an accepted principle that the foundation of effective advertising is the establishment of a well merited reputation for professional ability and integrity. Thus it is recommended that conservators limit all forms of notices and communications which may be construed as advertising to the following:

1. Use of such sign or signs which in size, character, wording and position reasonably may be required to indicate the entrance of the premises in which the practice is performed.

2. Use of professional cards and letterheads on stationery, bill and receipt forms, indicating only the name, academic degree, Fellowship, conservation specialty, office address and telephone number. Only Fellows may use the name of AIC.

3. Use of announcements of commencement of practice, change of location or restriction of practice.

4. Use of advertisements in newspapers, magazines and telephone directories, provided that their form and content do not detract from the high professional standards reflected elsewhere in this Code of Ethics and do not contain comparisions of ability and cost.

G. Solicitation of Clients

1. It is recommended that solicitations be confined to discreet announcements in newspapers and magazines inviting clients. Direct mailing to individuals, museums and institutions may be construed as an attempt to solicit clients unethically.

2. The judicious distribution of reprints and communications to colleagues is acceptable and an author may honor requests for his articles. Indiscriminate mailing without sufficient reason is construed as an attempt to solicit clients unethically or an attempt to bring undue attention to the author.

H. Statements in the Name of AIC

Individual members of AIC should not present opinions in the name of AIC to outside organizations or individuals.

PART TWO - STANDARDS OF PRACTICE

I. PREAMBLE

The following standards and procedures are approved by AIC as detailed guidelines to professional practice by conservators* in the examination and treatment of historic and artistic works. Such practice is considered to comprise three categories:

A. Examination, treatment and systematic maintenance of historic and artistic works, whether by private or institutional conservators.

B. Scientific analytical study of art objects for such purposes as identifying materials, method of construction, modifications by age or other agents, comparison with comparable material.

C. Supplying previously developed reference data which may bear on condition, authenticity, authorship or age of specific objects. This can be either by formal publication or private communication.

II. GENERAL CONSIDERATIONS OF POLICY

These are broadly applicable to all categories:

A. Professional Attitude
It must be axiomatic that all professional actions of a conservator be governed by unswerving respect for the integrity of historic and artistic works. Such respect is manifest not only in policies of restoration, but in selection of courses of treatment, in safeguarding against accident, protection against loss and strict avoidance of misinterpreting technical evidence.

B. Contractual Relationships
A contract should include the need for a clear written statement of the following: the exact work to be done, the basis for charges, if any, the extent and substance of reports, including photographs as appropriate, responsibility for insurance coverage deemed adequate for operator, owner and object, provisions for safeguarding objects, method of delivery and any subcontracting or reassignment of work.**

C. Assumption of Responsibility
It is a conservator's responsibility to contract for investigation or treatment only to the limits of his professional competence and facilities. Should he not be trained or equipped for a full scientific study by generally accepted current technical means, any specific

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*"Conservators" in the text also denotes "conservation scientists" when applicable.

**It is recommended that a lawyer be consulted.

limitations must be stated and accepted by both parties from the beginning. Wherever further opinions seems to be required, such further opinion or opinions are a necessary part of a comprehensive report. In the same manner, a conservator will be held irresponsible if he undertakes to carry out a course of treatment for which he is inadequately trained or equipped.

D. Interpretation of Evidence
An investigator has the obligation to present all the evidence he has developed about an object commissioned to him for study, favorable or otherwise, and also to supply from his professional knowledge a clear exposition of the significance of each part of the evidence. It will be held improper for him to make outright formal declarations as to age, authenticity and the like (which subsequently might form the basis of a claim or legal action) when each declaration exceeds the logical development of the specific evidence.

E. Limitations on Aesthetic Reintegration
In compensating for losses or damage, a conservator can be expected to carry out little or much restoration according to a firm previous understanding with the owner or custodian and the artist if living. However, he cannot ethically carry compensation to a point of modifying the known character of the original.

F. Outside Activities
It shall be considered inconsistent with the professional integrity of conservators in any of the three categories of procedure to engage in the following outside activities:

1. Issuing paid "expertises" or authentication.

2. Acting as paid or commissioned agent in the selling or purchasing of historic and artistic works.

3. Engaging in such selling or purchasing for personal profit.

4. Appraising for a fee the monetary value of historic and artistic works unless the conservator is a professional member of a recognized professional society of appraisers.

III. PROCEDURE FOR INITIATING, CONDUCTING, AND REPORTING IN SCIENTIFIC ANALYTICAL STUDIES OF HISTORIC AND ARTISTIC WORKS

Whenever it becomes necessary for owners of historic and artistic works to request institutional or commercial analytical laboratories or private consultants to engage in scientific study of objects for the purpose of developing data which may bear on condition, authenticity, authorship or age of a specific object, the following procedure shall be followed by all parties concerned:

A. Initiating the Study

The owner of the object, or his qualified agent or a qualified officer of an institution, shall send to the examining agency a written request with statements covering the following points as required:

1. The purpose of the study, listing any specific questions to be answered.
2. Whether (a) the whole object or (b) samples from the object are to be made available for study. If samples only are to be sent to the laboratory, the exact location of the samples on the object and the name of the person who took the samples and the date taken are to be given.
3. If the whole object is to be sent to the analyst (a) the legal owner, (b) its value, (c) to what extent it is covered by insurance, (d) by what carrier it is to be sent to the laboratory and returned to the owner and (e) that the object is to be sent to the investigating laboratory at the owner's risk and expense.
4. Explicit permission to take samples from the object during examination, defining any limitations.
5. Whether the investigator (a) is merely to report facts and observations or (b) if the investigator is expected to draw conclusion from the facts.
6. Whether the laboratory findings are (a) to be kept in strict confidence or (b) whether the findings, regardless of their nature, can be used by the investigator in formal publications and in oral declarations.
7. Whether any of the evidence to be produced is intended for use in legal proceedings.

B. Conducting the Study

The analyst or laboratory official on receiving the object shall:

1. Supply a written receipt to the owner verifying its condition and inform the owner how the object will be stored and guarded.
2. Inform the owner what fees, if any, are to be charged for the analytical services. If there is to be no charge, state that fact explicitly. State also what other charges may be made for photography, radiography and for other analytical services.
3. Make a photographic record of the condition of the object and of any subsequent alteration that may occur in the course of the study.

4. Keep a careful and detailed written record of all observations and findings, giving dates.

C. Preparing and Submitting the Report
On completion of the investigation, the investigator shall:

1. Render to the owner a typewritten report of his findings with conclusion, if conclusions have been requested. The report shall cover methods of testing, kind and type of instruments and equipment used and analytical procedures employed in sufficient detail so that, if the owner wishes, the tests can be repeated and checked on the same object by an independent investigator in another laboratory. If it has been necessary, with the owner's permission, to take samples from the object, give location and amount of each sample. Give location and dosage of irradiations (e.g. exposure to X-rays, gamma rays, iridium or other forms of radiant energy).

2. List all other persons who assisted or cooperated in the scientific investigation.

3. List what published works or authorities he has consulted in the course of the study.

4. State what limitations, if any, he may wish to place on the use of the findings. That is, whether or not the findings may be used voluntarily in legal proceedings; whether or not they may be quoted in formal publications or in oral declarations.

IV. PROCEDURE FOR ENGAGING IN AND REPORTING OF EXAMINATION AND TREATMENT OF HISTORIC AND ARTISTIC WORKS BY PROFESSIONAL CONSERVATORS OF INSTITUTIONS AND REGIONAL CENTERS

A. Report of Examination
Such reports shall include in writing the following information where applicable:

1. Date of examinaton and name of examiner.

2. Identification of object with the one referred to in the report by means of photographs, verbal descriptions, measurements and identification numbers.

3. Descriptions of materials, structure and method of fabriciation. Physical, chemical and biological identification of materials composing the object. Statement of method of determination employed or reference to published standard method.

4. Record of alteration and deterioration. Locations and extent of physical defects, chemical alteration and its products, previous

repairs and compensation. Statement of method of determination sufficiently detailed to permit duplication by another examiner.

5. Deductions or interpretations of observations and analyses. Comments relative to the degree of alteration.

6. Where evidence indicates forgery, tests which can supply the necessary information on materials and structure shall be employed. After thoroughly checking his results, the examiner shall recommend consultation with one or two disinterested individuals qualified by scientific or art historical training to review the evidence.

B. Proposal for Treatment

Before any treatment is undertaken, a summary or copy of the examination record shall be supplied to the responsible custodian of the object. This shall be accompanied by :

1. A statement of exactly what conditions it is proposed to correct.

2. An outline of the proposed treatment.

3. An estimate of the probable time required for the treatment.

The official custodian's written approval shall be secured before treatment is begun.

C. Report of Treatment

Such report shall include where applicable:

1. A statement of the procedures followed in the current treatment with exact descriptions of materials and methods, including:

    (a) The method by which accretion or deterioration products were removed.

    (b) Method and materials used in correcting distortion in form and shape, and in reinforcing, consolidating, stabilizing, and protecting structure and surface.

    (c) Kind, extent, and location of compensation employed.

2. Photographs, as follows:

    (a) Condition before treatment, with date.

    (b) Photograph in "actual state" after accretions and deterioration products have been removed, but before compensation has begun.

(c) Photograph, after treatment, with date.

(d) Photographs as required to supply data about structure, method of fabrication and state of object as revealed during process of treatment. Photographs or diagrams which clarify method of reconstruction or compensation.

V. CONTRACTUAL PROCEDURES APPLYING TO EXAMINATION AND TREATMENT OF HISTORIC AND ARTISTIC WORKS BY PRIVATE PROFESSIONAL CONSERVATORS

These do not differ from those applying to institutional conservators except in the fields of contractural relations* and assumption of responsibility. Procedures in these fields shall include:

A. Written proposals stating:

1. Work to be done, estimated charges and estimated date of completion.

2. Arrangements for insurance and its specific coverage, method of delivery and provisions for safeguarding objects. (See VI.B.)

3. Any sub-contract or reassignment of work proposed.

B. A signed contract by the owner or his authorized agent, which may be a signed copy of the letter of proposal.

C. Agreement to give due notice to owner or custodial institution and to receive authorization before objects are removed from operating or storage building to a new location, unless such action is required for emergency safety reasons.

*It is recommended that a lawyer be consulted as to the adequacy of the contract until such time as a standard form be adopted.

VI. OPERATING SAFETY PROCEDURES FOR CONSERVATORS

A. Safety of Personnel
All practitioners must follow the latest codes of the appropriate government regulations regarding occupational safety and health.**

1. Radiation. X-ray installation and operation procedures and use of radioactive sources should conform to approved specifications. Most state health or labor departments will supply an inspection service to determine the operating safety of radiographic installations.

2. Toxic Vapors. Adequate exhaust and ventilation must be a part of all laboratory installations where volatile toxic materials are habitually used. Appropriate vapor respirators should be available at all times.

3. Mechanical Equipment. Power tools of all kinds should be provided with adequate light, operating space, and safety guards. Their use should be restricted to properly qualified and authorized persons. Cleanliness should be rigidly enforced. Instruments producing dust, abrasive powders, and the like should be equipped with positive exhaust systems and operators should be provided with appropriate respirators.

4. Corrosive Liquids. Standard laboratory requirements for quantity storage and operating containers of acids, alkalis, and other reagents as well as solvents should be rigidly followed. Only authorized personnel should have access to them. Disposal of chemicals should follow approved procedures.

B. Safety of Historic and Artistic Works in the laboratory is or paramount importance.

1. Protection Against Environmental Hazards such as unsuitable levels of relative humidity, temperature, light, and atmospheric pollution (including solvent vapors) should be provided.

2. Protection Against Theft. Working and storage areas should be of adequate construction and capable of a systematic locking routine. Only authorized personnel should have access.

3. Protection Against Accidental Damage

   (a) Working and storage areas should be adequate for safe handling and storage of objects. Individual storage racks

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**Up-to-date information may be obtained regionally through the United States Government - Labor Department - Occupational Safety and Health-Area Office listed in the Telephone Directory.

for paintings and shelves for three-dimensional objects should be available. Working equipment should include sturdy, well designed furniture such as tables, easels, horses.

(b) Objects should be moved or handled only by experienced persons. Auxiliary personnel should not be permitted to handle objects without adequate training and supervision. They should not engage in activities for which they have inadequate professional training.

(c) Objects should not be removed from the operating or storage building except on due notice and with authorization by the owner or custodial institution, except when required for safety reasons.

(d) Transportation and packing of objects should be by approved agencies and according to established methods.

4. Protection Against Fire. Adequate precautions should be taken to meet the requirements of the particular insurance underwriter used. Working and storage areas should be equipped with alarm, smoke detection, and extinguishing apparatus. Other parts of the building housing the studio or laboratory may not be used for purposes of a hazardous nature.

PART THREE - ENFORCEMENT

Violation of the AIC Code of Ethics and Standards of Practice can lead to revocation of a member's Fellowship. Upon receipt of substantial evidence of repeated violations in the face of notice and objection thereto from the Board of Directors of AIC, the Board may take any action deemed necessary to protect the integrity of the Institute. Such action shall be subject to appeal, review and final decision by the Grievances Committee described in the Bylaws.

PART FOUR - AMENDMENTS

Amendments or changes in this Code of Ethics and Standards of Practice must be initiated by petition from at least five Fellows of AIC to the Board of Directors, who will direct the appropriate committee to prepare the amendments for vote. Acceptance into the Code of amendments or changes must be affirmed by at least two-thirds of all AIC Fellows voting.

Copies of the AIC Code of Ethics and Standards of Practice are available from:

AIC National Office 1522 K Street, N.W. Suite 804 Washington,
D.C. 20005

APPENDIX P: ACHP HANDICAPPED ACCESS STANDARDS

federal register

Wednesday
June 13, 1979

Part VI

Advisory Council on Historic Preservation

Handicapped Access to Historic Properties; Proposed Statement of Program Approach

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Handicapped Access to Historic Properties; Proposed Statement of Program Approach

AGENCY: Advisory Council on Historic Preservation.

ACTION: Proposed Statement of Program Approach.

SUMMARY: The Advisory Council on Historic Preservation offers this proposed statement of program approach for public comment. This statement was developed to respond to the review of agency regulations concerning handicapped access required by the Department of Health, Education and Welfare as it relates to historic properties. Because of the special issues presented in rendering such properties accessible to the handicapped while still maintaining the architectural features that are the basis for their significance, the Council has drafted this statement in an effort to establish a workable approach to meeting both federal policies satisfactorily.

COMMENTS DUE: July 13, 1979.

ADDRESS: Comments should be addressed to the Executive Director, Advisory Council on Historic Preservation, 1522 K Street NW., Suite 510, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Peter Smith, Acting Director, Office of Intergovernmental Programs & Planning, 202-254-3495; Katherine Raub Ridley, Legal Assistant, Office of Intergovernmental Programs & Planning, 202-254-3495.

PREAMBLE: The Advisory Council on Historic Preservation is interested in the special problems presented in making historic properties accessible to handicapped persons. Under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 706), Federal agencies are required to publish regulations to ensure that federally assisted programs are accessible to the handicapped. Because historic properties will be affected through activities undertaken pursuant to such agency regulations, the Council believes there is a need to coordinate the Federal policies of access and historic preservation. Procedures that incorporate the program approach set forth below would ensure that activities undertaken to make historic properties accessible would not alter or destroy a historic property's significant features and would also serve as a basis for expediting agency responsibilities under Section 106 of the National Historic Preservation Act.

The Council is an independent Federal agency established by the National Historic Preservation Act of 1966 (16 U.S.C. 470) to advise the President and the Congress on matters relating to historic preservation, and to review and comment on Federal, federally licensed and federally assisted undertakings that affect properties listed or eligible for the National Register of Historic Places. Under Section 202 of the Act, the Council is vested with general coordination and advisory responsibilities on historic preservation matters, including the conduct of studies, recommendations for legislation and the provision of training and educational programs. Under Section 106 of the Act, the Council must be afforded an opportunity for comment when Federal, federally licensed or assisted undertakings affect National Register or eligible properties. The process for obtaining the Council's comments is set forth in the recently amended regulations for "Protection of Historic and Cultural Properties" (36 CFR Part 800). In certain circumstances, building alterations or structural changes to National Register properties undertaken in order to accomplish accessibility may be subject to the provisions of Section 106 and therefore require the comments of the Council. In such instances, the comments must be requested by the undertaking Federal agency.

Because the significance of historic properties is often the result of architectural features and associational values, building alterations or structural changes may impair the qualities that qualify the property as significant. For example, various Federal programs provide funding for buildings in historic districts, which may consist of 18th century rowhouses, the front door of which is reachable only by a steep staircase and whose doorframe is too narrow for wheelchair entry.

Such features are often both the reason for the building's architectural significance and the consequent award of Federal funds for restoration, as well as the source of difficulty in providing access.

In rare cases, it is conceivable that a historic property could not be modified in a way which would allow both access and retention of signficant features. This possibility has been the subject of considerable discussion. Opinion is divided as to whether, in such isolated cases, a waiver of access to a significant property would be appropriate.

This statement of approach is offered for public comment. It is expected that a final statement could serve as a basis for dealing with historically and culturally significant buildings in agency procedures implementing Section 504.

It is anticipated that technical guidelines on this subject will be published by the Technical Preservation Services Division, Office of Archeology and Historic Preservation, Heritage Conservation and Recreation Service, Department of the Interior. The guidelines will suggest appropriate treatments for specific problems commonly encountered in providing access to various types of historic buildings and structures through case studies.

Public comments are specifically requested on the following points.

(1) Among the alternatives to building alerations or structural changes, are any more or less preferable than others? If so, what is the general priority? For example, is use of an interpretive program about a second or third floor of a house museum preferable to provision for carrying?

(2) Are there particularly satisfactory solutions that have been found through experience with achieving access to historic structures?

(3) In the case of a private residence that has been awarded Federal funds for interior restoration work and may consequently be required to provide minimal public access, what is the most feasible form of access?

(4) Should a waiver of access be considered in certain circumstances where a historic property can not be rendered accessible without also impairing the qualities responsible for its significance? What criteria should be used to govern the decision? Proposed language is set forth in paragraph (4) below.

Statement: In the case of historic properties, program accessibility shall mean that when programs are viewed in their entirety, they are accessible to and useable by handicapped persons. A recipient of Federal assistance is not required to make building alterations or structural changes to historic properties where other methods are effective in achieving accessibility. The recipient shall make every effort to accomplish accessibility under Section (1). Only if there is no prudent and feasible alternative, shall a recipient consider building alterations (Section 2). A recipient shall exhaust Section 2 alternatives before proceeding to consider structural changes (Section 3). "Historic Properties" shall mean those properties listed or eligible for listing in

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the National Register of Historic Places or architecturally, historically, or culturally significant properties designated under a statute of the appropriate State or local governmental body, including a single structure within a designated district.

(1) *Methods to Accomplish Program Accessibility without Building Alterations or Structural Changes.* The recipient shall investigate and utilize compliance methods which do not alter the historic character or architectural integrity of the property. Such methods may include, but are not limited to:

Reassigning programs to accessible locations within the facility.

Assigning persons to aid handicapped persons into or through an otherwise inaccessible facility.

Delivering programs or activities at alternative accessible sites operated by or available for such use by the recipient.

Adopting other innovative methods which comply with the intent of this section.

(2) *Methods to Accomplish Program Accessibility Resulting in Building Alterations.* Building alteration means those changes to the existing conditions and equipment of a building which do not involve any structural changes, but which typically improve and upgrade a building, such as alterations to stairways, doors, toilets, elevators, and site improvements.

The recipient must determine that program accessibility as outlined in section (1) above cannot be accomplished before considering building alterations. Building alterations shall be undertaken so as not to alter or destroy historically, architecturally, or culturally significant elements or features and shall comply with the "Secretary of the Interior's Standards for Rehabilitation" (36 CFR 67.7).

(3) *Methods to Accomplish Program Accessibility Resulting in Structural Changes.* Structural change means those changes which alter the structure of a historic building, including but not limited to its bearing walls and all types of post and beam systems in wood, steel, iron, or concrete.

The recipient must determine that program accessiblity as outlined in sections (1) and (2) above cannot be accomplished before considering structural changes. Structural changes shall be undertaken so as not to alter or destroy historically, architecturally, or culturally significant elements or features and shall comply with the Secretary of the Interior's Standards for Rehabilitation (36 CFR 67.7).

(4) *Modification or Waiver of Accessibility Standards.* The applicability of agency accessibility standards may be modified or waived on a case-by-case basis, where the recipient can demonstrate that, because of the nature of the activity, the provision of access would be infeasible or would substantially impair the historic, architectural, or cultural significance of the historic property.

Robert R. Garvey, Jr.,
Executive Director.

[FR Doc. 79-18429 Filed 6-12-79; 8:45 am]

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APPENDIX Q: SAMPLE ARCHEOLOGICAL CLEARANCE

(Format for Word Processor)

A1
H4217
X-H2215- __________
(Park Symbol) ________________ ______-81-______
(Date) (Clearance No.)

Memorandum

To: Superintendent, ____

From:

Subject: Archeological Clearance

The effects of the following project on archeological resources have been assessed:

____
____
____
____
____
____
____

A2
The basis for this assessment is an archeological clearance survey conducted by ______________________________. A copy of __________ report, dated ____________________________, is enclosed.
(his/her)

____ A3
Since there is no surface evidence of archeological resources, clearance to proceed is hereby provided.

____ A4
Since the identified adverse effects of the project on archeological resources have been mitigated by the completion of appropriate investigations, clearance to proceed is hereby provided.

____A5 ____ (surrounding)
Since archeological resources occur in the ____ (immediate) vicinity of the project area, the Park Service should exercise caution. However, clearance to proceed is hereby provided on the following conditions(s):

____
____
____
____
____
____

____ A6 ____ (on) As this project will occur ____ (in the vicinity of) a property which
____ (a) is eligible for nomination to
____ (b) has been nominated to
____ (c) is on the National Register of Historic Places, the ____________________ Archeological District, this clearance is conditional upon compliance with section 106 procedures of 'the Natonal Historic Preservation Act of 1966. These procedures have been initiated by this office. Please do not commence with the proposed project until notified that the compliance process has been completed.

____ A7
Although this project will occur within a property that
____ (a) is eligible for nomination to
____ (b) is on
____ (c) has been nominated to that National Register of Historic Places, it is a routine maintenance project that will not affect the cultural resources of the property. As agreed upon by the determination of no effect approved by the state historic preservation officer on (date); no further compliance with 36 CFR 800 is necessary.

____ A8
If concealed archeological resources are encountered during project activities, please take all necessary steps to protect them and immediately notify the ______________ Regional Office, Cultural Resource Management Division, so that appropriate action may be taken.

ARCHEOLOGICAL CLEARANCE SURVEY FORM

1. Project ____

2. Package No. ____________________
3. Project Description ____

4. Project Location ____

5. Survey Area Boundaries ____

6. Date(s) of Survey ____

7. Surveyors ____

8. Number of Person-days in Survey ____________________
9. Description of Area Surveyed ____

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10. Survey Procedure ______________________________

11. Description of Cultural Resources Located ______________________________

12. Evaluation of Cultural Resources Located ______________________________

13. National Register Status:
    On Register:
      Name of Property ______________________________
    In Process of Nomination
    Eligibility Determination in Process
    No Action Yet
    Does Not Meet Criteria

14. Effect of Project on Resources ______________________________

15. Recommendations:
    Clearance Not Recommended
    Unconditional Clearance Recommended*
    Clearance Recommended* with Following Conditions: ______________________________

16. Attachments:
    Project Design Data
    USGS Map
    Project Map Scale: ____________________
    Site Records

*All Clearances are conditional in that if concealed archeological resources are encountered during construction, all necessary steps will be taken to protect them and to notify the ________________ Archeological Center immediately.

17. Native American Consultation: ________________________________
____
____
NOTES: ____
____
____
____
____
____

APPENDIX R: OBJECT TREATMENT REQUEST FORM

APPENDIX R:

HFC ACCESSION NO.

UNITED STATES DEPARTMENT OF INTERIOR
NATIONAL PARK SERVICE

HFC JOB NO.

OBJECT TREATMENT REQUEST

BRANCH OF CONSERVATION LABORATORIES
DIVISION OF MUSEUM SERVICES
HARPERS FERRY CENTER

To be completed by Park

PARK	DATE OF REQUEST
OBJECT	CATALOG NO.

Is object owned by NPS? Yes ☐ No ☐

If no, who authorizes preservation treatment?

Purpose of treatment request (Check boxes below)

PREPARE FOR EXHIBIT	☐	*RESTORE MISSING PARTS*	☐	*CLEAN*	☐	*STABILIZE*	☐
PREPARE FOR STORAGE	☐	*APPLY BARRIER*	☐	*FUMIGATE*	☐	*TREATMENT BY CONTRACTOR*	☐

OTHER: ☐ ____________________

Requested date of completion: (State reason for this date: new exhibit, dedication, etc.)

Statement of special importance of object
(e.g.: provenience, association with historic person, importance to collection)

Person to contact should questions concerning treatment arise.

Name:	Title:	Phone No.

NOTE: COPIES OF THE OBJECT'S CATALOG CARD AND PHOTOS (etc.) MUST ACCOMPANY THIS REQUEST.
OBJECTS SHOULD NOT BE SENT UNTIL NOTIFIED BY REGISTRAR, DIVISION OF MUSEUM SERVICES.

Regional use only

APPROVAL ☐ Yes ☐ No	Name:	Title:	Date:
REMARKS			

Laboratory use only

DATE RECEIVED:	CONSERVATOR:	Date object received:
Location:	Total lab hours authorized:	Required completion date:
Photographed: ☐ Yes ☐ No	Total lab hours required:	Date treatment completed:
Date:	Photographer's Name:	Date report completed:

OBJECT RETURNED:	Signature:	Title:	Date:

Form 10-252 (5/79) Test

APPENDIX S: XXX FORM

ASSESSMENT OF ACTIONS HAVING AN EFFECT ON CULTURAL RESOURCES

XXX FORM
ASSESSMENT OF ACTIONS HAVING AN EFFECT ON CULTURAL RESOURCES

(Attach continuation sheets as necessary)

XXX FORM

ASSESSMENT OF ACTIONS HAVING AN EFFECT ON CULTURAL RESOURCES

(Attach continuation sheets as necessary)

This form is required for all actions that have the potential to affect historic properties.

A. Originating Office

1. Park:

2. Description of proposed action:
   - ☐ Implementing action included in plan under PMOA.
   - ☐ Other PMOA action ____________________
   - ☐ Action not under PMOA.

3. Explain why the action is needed:

4. Cultural resources affected by proposed action (name and LCS number, if applicable):

5. The proposed action will (check as many as apply):

   ___ Destroy historic fabric.
   ___ Remove historic fabric.
   ___ Replace historic fabric in kind.
   ___ Replace missing historic fabric.
   ___ Add nonhistoric elements to a historic structure.
   ___ Remove nonhistoric elements from a historic structure.
   ___ Alter historic terrain, groundcover, or vegetation.
   ___ Introduce nonhistoric elements (visible, audible, or atmospheric) into a historic setting or environment.
   ___ Reintroduce historic elements in a historic setting or environment.
   ___ Remove historic elements from a historic environment.
   ___ Remove nonhistoric elements from a historic environment.
   ___ Disturb, destroy, impair, or render inaccessible archeological (surface or subsurface) resources.
   ___ Possibly disturb currently unidentified archeological resources or historic fabric.
   ___ Incur gradual deterioration of historic fabric, terrain, or setting.
   ___ Other (describe briefly):

   Describe the indicated effect(s) concisely:

6. Identify supporting approved plan(s), comment and/or action thereon by Advisory Council on Historic Preservation, dates of ACHP action and NPS approval, and section(s) of the plan(s) pertaining to the action. If none, so state: ______________________________.

7. Identify any important relationships between the proposed action as it affects cultural resources and pertinent NPS management policies, standards, and guidelines:

8. Describe any measures planned to minimize or lessen the loss or impairment of historic fabric, setting, integrity, or data:

9. Identify supporting study data and date(s) of preparation (attach if feasible):

10. Prepared by: ______________________________ Title: ________________________

11. Signature of Park Superintendent: ____________________________ Date: _______

B. Regional Cultural Resources Staff Review and Certification

1. The foregoing assessment is adequate; the proposed action is consistent with all applicable NPS management policies, standards, and guidelines reviewed and concurred in by the Advisory Council; and the proposal incorporates all feasible measures to minimize adverse effects to cultural resources.

2. The proposed action is authorized by a planning document or program reviewed and concurred in by the Advisory Council.

		Yes	No	N/A		
(Negative certifications must be justified on attachments.)	1	☐	☐			
	2	☐	☐	☐	________________________ Regional Archeologist	_______ Date
☐ Energy Consultation Held	1	☐	☐	☐		
	2	☐	☐	☐	________________________ Regional Historian	_______ Date
____________ ________ Regional Energy Coordinator Date	1	☐	☐	☐		
	2	☐	☐	☐	________________________ Regional Historical Architect	_______ Date
Additional requirements of the proposed action:	1	☐	☐	☐		
	2	☐	☐	☐	________________________ Regional Curator	_______ Date

C. Regional Director Approval of Proposed Action including Additional Requirements

☐ The proposed action, including any additional requirements stated above, meets all conditions in B.1 and 2.

___________ ________________________
Date Regional Director

D. WASO Record

Assessment received and noted: ________________________________ _______
Associate Director, Date
Cultural Resources Management

E. Additional Procedures

1. [ ] Regional professional disagreement unresolved. Referred to Associate Director, Cultural Resources Management, WASO, for review and resoltuion.

   Date ____________ Regional Director ______________________________

2. [ ] The proposed action, including any additional requirements stated above, meets the conditions in B.1, but not in B.2. Adherence to 36 CFR 800 is required before the action may proceed.

   Date ____________ Regional Director ______________________________

3. [ ] The proposed action does not meet the conditions in B.1. Consultation with the originator, regional cultural resources staff, and the Regional Energy Coordinator in the case of Energy Management Projects, required to modify proposal.

   Date ____________ Regional Director ______________________________

   a. [ ] Consultation successful. Proposal modified as described on new XXX form.

      Date ____________ Regional Director ______________________________

   b. [ ] Consultation unsuccessful. Cultural resources staff cannot certify as indicated and explained above and on continuation sheets if needed. Originating official may not proceed with the proposed action.

      Date ____________ Regional Director ______________________________

   c. [ ] Originating official wishes to proceed with proposed action not certified by regional cultural resources staff. Proposed action appealed to Regional Director.

      Date ____________ Superintendent ______________________________

   d. [ ] Regional Director wishes to proceed with proposed action without modification. XXX form, continuation sheets, and memorandum justifying his position transmitted by him to the Associate Director, Cultural Resources Management, WASO. In the case of an Energy Management Program project, copies shall be transmitted to the Associate Director, Science and Technology, Attn: Servicewide Energy Coordinator.

      Date ____________ Regional Director ______________________________

4. ☐ Associate Director, Cultural Resources Management, WASO, affirmatively certifies all conditions in B.1 and 2 are met and affirms that in the case of an Energy Management action consultation with the Servicewide Energy Coordinator was held. The Regional Director may proceed with the proposed action.

Date Associate Director, Cultural Resources Management

5. ☐ Associate Director, Cultural Resources Management certifies only the conditions in B.1. Proposed action may proceed only if procedures in 36 CFR 800 are follows.

Date Associate Director, Cultural Resources Management

6. ☐ Associate Director, Cultural Resources Management cannot certify each of the conditions in B.1.

Date Associate Director, Cultural Resources Management

   a. ☐ Regional Director drops the proposed action.

   Date Regional Director

   b. ☐ Regional Director requests modification of proposed action. Consultation required as in E3. Consultation successful. Proposal modified as described on new XXX form.

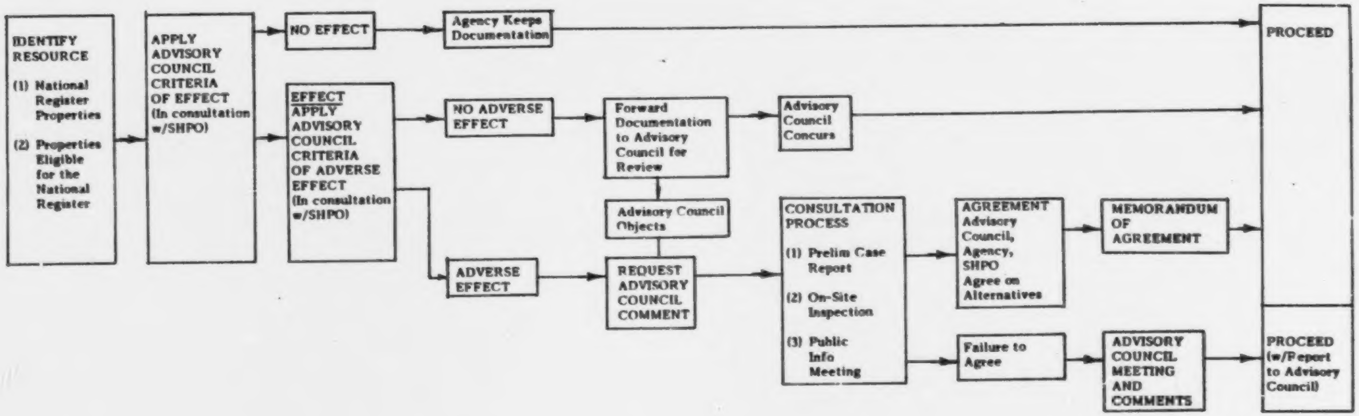
   Date Regional Director

   c. ☐ Regional Director wishes to proceed with proposed action without modification meeting concerns of regional cultural resources staff or those of the Associate Director, Cultural Resources Management. Proceed in accordance with 36 CFR 800. Attach Associate Director's memorandum, XXX Form and prior attachments to necessary correspondence.

   Date Regional Director

APPENDIX T: FLOW CHART, ADVISORY COUNCIL PROCEDURES

ADVISORY COUNCIL PROCEDURES FOR THE PROTECTION OF HISTORIC AND CULTURAL PROPERTIES


IDENTIFY RESOURCE
(1) National Register Properties
(2) Properties Eligible for the National Register
APPLY ADVISORY COUNCIL CRITERIA OF EFFECT (In consultation w/SHPO)
NO EFFECT
Agency Keeps Documentation
EFFECT
APPLY ADVISORY COUNCIL CRITERIA OF ADVERSE EFFECT (In consultation w/SHPO)
NO ADVERSE EFFECT
Forward Documentation to Advisory Council for Review
Advisory Council Concurs
Advisory Council Objects
ADVERSE EFFECT
REQUEST ADVISORY COUNCIL COMMENT
CONSULTATION PROCESS
(1) Prelim Case Report
(2) On-Site Inspection
(3) Public Info Meeting
AGREEMENT Advisory Council, Agency, SHPO Agree on Alternatives
MEMORANDUM OF AGREEMENT
Failure to Agree
ADVISORY COUNCIL MEETING AND COMMENTS
PROCEED
PROCEED (w/Report to Advisory Council)

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APPENDIX U: PMOA FLOW CHART AND CURRENT PROGRAMMATIC MEMORANDUMS OF AGREEMENT

(Flow chart to be published later.)

**Advisory
Council On
Historic
Preservation**

1522 K Street, NW
Washington, DC 20005

1981 PMOA on PLANS

AMENDMENT TO
PROGRAMMATIC
MEMORANDUM OF AGREEMENT
BETWEEN THE
NATIONAL PARK SERVICE,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
AND THE
NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS

WHEREAS, the National Park Service (NPS), the National Council of State Historic Preservation Officers, and the Advisory Council on Historic Preservation (Council) executed a Programmatic Memorandum of Agreement on December 19, 1979, for planning documents; and,

WHEREAS, in accordance with the terms of that Agreement the parties have reviewed the Agreement and have determined that it should be modified; and,

WHEREAS, pursuant to 36 CFR Sec. 800.6 of the Council's regulations, representatives of the Council, NPS, and the National Conference of State Historic Preservation Officers have consulted and reviewed the modifications;

NOW, THEREFORE, it is mutually agreed that the following amendments will supercede the original stipulations.

Stipulations

1. This Agreement covers the development or revision of General Management Plans and the development or revision of other planning documents (collectively "Plans") where such documents are being developed in the absence of, or deviate from, a General Management Plan that has been developed in accordance with this Agreement.

Actions undertaken pursuant to Plans that have not been developed in accordance with the Agreement are still subject to individual review in accordance with 36 CFR Sec. 800.4.

2. When a decision is made to develop or revise a Plan and the planning effort is scheduled, the Regional Director will notify the Council and appropriate SHPO(s).

3. The Council and SHPO(s) will be invited to participate in the development of the Plan so that their professional input, concerns, preferences and objections can be taken into account when a preferred alternative is selected by the Regional Director. The participants in this process will take into

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account the policies and approaches embodied in NPS-28 and other NPS guidelines, pertinent Council guidelines, and the applicable State Historic Preservation Plan(s). Failure to participate in the development of the Plan will result in the loss of the opportunity to object to the alternative selected.

4. The Regional Director will notify the Council and the SHPO(s) of the selected preferred alternative. The Executive Director of the Council and the SHPO(s) will have 15 working days, or other mutually agreed upon time period, to notify the Regional Director that there is objection to that alternative.

5. If the Council or SHPO(s) objects to the preferred alternative selected by the Regional Director, the Chairman of the Council may schedule the matter for Council review in accordance with 36 CFR Sec. 800.6(d). The Regional Director will not implement the Plan until the Council has commented pursuant to 36 CFR Sec. 800.6.

6. Once a Plan has been adopted, all actions that could affect any historic property, including but not limited to those listed in the National Register of Historic Places, eligible for the National Register, meeting the Criteria for the National Register or included in the List of Classified Structures, will be carried out in accordance with the Plan.

(a) Actions must conform to NPS-28, "Cultural Resources Management;" NPS Management Policies, Chapter V; and other Department of Interior regulations, directives, and memoranda pertaining to cultural resources management.

(b) NPS will review these actions to ensure such conformity and will maintain documentary evidence of this conformity in a form acceptable to the Council and available to the Council and the SHPO for review.

(c) Any deviation from the Plan will require individual review in accordance with 36 CFR Sec. 800.4.

7. This Agreement supercedes the Memorandum of Understanding of June 1976 between NPS and the Council and the Programmatic Memorandum of Agreement executed on December 19, 1979.

(a) Plans that have been approved under the Memorandum of Understanding of June 1976 will be deemed to have been approved under the Programmatic Memorandum of Agreement executed on December 19, 1979.

(b) Existing plans that were approved under the Programmatic Memorandum of Agreement executed on December 19, 1979, and those now being developed that are beyond the stage of consideration of alteratives, will continue to conform to the requirements of that Agreement.

(c) Actions undertaken pursuant to these Agreements that could affect historic properties, as defined in Stipulation 6, must conform to NPS-28, "Cultural Resources Management;" NPS Management Policies Chapter V; and other Department of the Interior regulations, directives and memoranda pertaining to cultural resource management.

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(d) NPS will review these actions to insure such conformity, and will maintain documentary evidence of this compliance in a form acceptable to the Council and available for review by the Council and SHPO(s).

8. The Assistant Director, Cultural Resources, Washington Office, will be the official responsible for monitoring regional compliance with the provisions of the Memorandum of Agreement of December 19, 1979, and this Agreement, and for maintaining a central documentation file.

9. This Agreement and NPS-28 will be reviewed annually, or as needed, to determine whether any modifications are necessary. Any proposed revision to NPS-28 that could affect the treatment of historic properties must be concurred in by the Council and the National Conference of State Historic Preservation Officers. The Assistant Director, Cultural Resources, NPS, will represent NPS for this purpose and any other pertaining to this Agreement.

Robert Garvey 9/11/81 (date)
Executive Director
Advisory Council on Historic Preservation

Russell E. Dickenson (date) 9/11/81
National Park Service

(date) 9-11-81
National Conference of State Historic
Preservation Officers

Alexander Aldrich (date) 9/11/81
Chairman
Advisory Council on Historic Preservation

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Advisory Council On Historic Preservation

1522 K Street NW.
Washington D.C.
20005

PMOA FOR PLANS PRECEDING 1981 PMOA

1979
PROGRAMMATIC MEMORANDUM OF AGREEMENT BETWEEN THE NATIONAL PARK SERVICE, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS

I. Review of basic planning documents and treatment of projects carried out in accordance with those plans.

A. All basic planning documents of the National Park Service for areas of the National Park System calling for action that will affect properties included in or eligible for inclusion in the National Register of Historic Places will be subjected to Council review in accordance with 36 CFR Part 800. Under the current planning system, these documents include General Management Plans (GMP), Resources Management Section of the GMP, Cultural Resources Management Component of the GMP, Interpretation and Visitor Use Section of the GMP, General Development Section of the GMP, Statement for Management and Action Plans as described in Planning Process Guidelines, NPS-2, and any amendments to such plans. Other documents of a planning or action nature may be submitted for review in accordance with 36 CFR Part 800. The National Park Service will consult with the SHPO in the development of basic planning documents and will submit the documents to the Council with a proposal for a Memorandum of Agreement pursuant to 36 CFR 800.6(c)(1). Within 30 days of its receipt of such documents, the Council shall complete its review of basic planning documents and the proposal for a Memorandum of Agreement and indicate its concurrence or objection to the National Park Service.

B. In cases where a Memorandum of Agreement is executed on basic planning documents for a unit of the National Park System as specified in paragraph A, any subsequent actions carried out pursuant to the Agreement that have an effect upon a property or properties included in or eligible for the National Register will be considered to have no adverse effect or to have had the adversity satisfactorily mitigated, and may be carried out without

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further referral to the Council and the State Historic Preservation Officer. Implementing actions pursuant to such planning documents, hereinafter referred to as "approved plans," shall be subject to the following conditions.

1. Implementing actions under approved plans involving preservation, maintenance, rehabilitation, restoration, investigation, excavation, or reconstruction of historic resources shall meet appropriate standards and policies developed by the National Park Service and concurred in by the Council as sufficient for the purposes of the Agreement.

2. For the purposes of Council records, the National Park Service shall review and maintain adequate documentation evidencing that individual implementing actions are consistent with the approved plans and National Park Service policies and standards. Such documentation shall be in an agreed upon form and shall be made available to the Council upon request.

3. The Council or State Historic Preservation Officer independently or upon notification reserves the right to object in a timely manner to any implementing action that it determines may be an adverse effect not fully considered in the Memorandum of Agreement on the plan.

C. In cases where a Memorandum of Agreement has not been executed on basic planning documents for a unit of the National Park System as specified in paragraph A, actions which meet the definition of preservation maintenance contained in the National Park Service Cultural Resource Management Guidelines and concurred in by the Council will be considered to have no effect and may be carried out without referral to the Council and the State Historic Preservation Officer. For purposes of Council records, the National Park Service shall review and maintain adequate documentation that preservation maintenance actions are consistent with National Park Service policies, standards and guidelines. Such documentation shall be in the same agreed upon form as required by paragraph B.2. above.

D. Individual actions affecting properties included in or eligible for the National Register shall be referred to the Council for comment pursuant to 36 CFR Part 800 when:

1. The National Park Service, State Historic Preservation Officer, or the Council determines that an individual action may have an adverse effect on such properties pursuant to 36 CFR 800.4 and that effect was not considered in the Memorandum of Agreement covering the approved plan;

2. An individual action has altered, is inconsistent with, or otherwise departs from the approved plan; or

3. An individual action is proposed and the Council has not been afforded an opportunity to comment on the basic planning documents pursuant to paragraph A.

E. Basic planning documents previously approved by the Council under the provisions of the Memorandum of Understanding between the National Park Service and the Advisory Council on Historic Preservation executed in June 1976, shall be deemed to have been approved under the provisions of this Programmatic Memorandum of Agreement.

F. The National Park Service and the Council shall agree upon the apppropriate officials within the National Park Service to carry out the provisions of this section of the Memorandum. Such agreement shall be appended to and incorporated in this Memorandum and shall be subject to change at the request of either party. (See Appendix I.)

The National Park Service, the National Conference of State Historic Preservation Officers, and the Council shall review the provisions of this section of the Memorandum on an annual basis to determine whether modification or termination is appropriate. Should the current planning system of the National Park Service be revised or superseded, the National Park Service shall inform the Council and they shall mutually determine

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whether the provisions of this Memorandum will continue to operate. The Memorandum of Understanding between the National Park Service and the Advisory Council on Historic Preservation dated June 1976, concerning Council review of National Park Service planning documents, is hereby withdrawn. All Memoranda of Agreement executed under the terms of the Memorandum of Understanding or pursuant to 36 CFR 800 shall continue in force unless re-submitted by the National Park Service under the terms of this Programmatic Memorandum of Agreement.

II. Planning for energy management.

A. Energy management policies promulgated by the President, the Congress, and the Secretary of the Interior are binding on the National Park Service. These include The National Energy Conservation Policy Act of 1978 (P.L. 95-619); Executive Order 12003, July 20, 1977; and Secretarial Order 3007, August 16, 1977. The Service is committed to these goals, subject to its primary responsibility for the preservation of natural ecosystems and historic environments.

B. To achieve these goals, the National Park Service is initiating a four phase program to survey, evaluate, and, as appropriate, retrofit all National Park Service buildings. Initial survey and preliminary design for six parks (Independence National Historic Park, Grand Canyon National Park, Colonial National Historic Park, Shenandoah National Park, Ft. Sumter National Monument, and Colorado National Monument) are proposed to begin in fiscal year 1979. Approximately half of the National Park Service inventory (about 4500 buildings) is planned for survey, and possible initiation of design and retrofit in fiscal year 1980, and the remainder in fiscal year 1981. Retrofit will definitely be undertaken by the Service no later than fiscal year 1981.

C. Phase I of the proposed program will involve architectural/engineering investigations to determine factors involved in energy loss, preparation of reports, analyses of proposals, and recommendations. Phase I includes only reversible actions such as removal and replacement of

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fabric, or actions carried out with no effect on qualities that may qualify a property for the National Register, such as wall borings in unobtrusive places. Any Phase I actions affecting historic structures shall be carried out by or under the direction of a historical architect as defined in 36 CFR 63.

D. Phase II of the proposed program is the preliminary design for all retrofitting projects. All proposed actions shall be developed to avoid or satisfactorily mitigate any adverse effects on those qualities that may qualify historic structures for the National Register of Historic Places.

E. Phase III of the proposed program is the preparation of final designs, specifications and cost estimates for all retrofitting projects.

F. Phase IV of the proposed program is the review of shop drawings, construction, and construction supervision.

G. General standards guiding investigation and design of modifications to historic structures include: 36 CFR 1207, the Secretary of the Interior's Standards for Historic Preservation Projects, Interim Standards; recommended retrofitting measures described in "Conserving Energy in Historic Buildings," by Baird M. Smith, AIA, Technical Preservation Services Division, Heritage Conservation and Recreation Service; and the National Park Service Management Policies. Specific standards governing the treatment of historic structures are included in the National Park Service Cultural Resource Management Guideline (CRMG). A special directive will be issued which addresses both appropriate and inappropriate retrofit measures and provides additional guidance to assure that historic values are recognized during the energy use survey and in planning possible retrofit actions. The Special Directive shall follow the form and content as set forth in Appendix II.

H. The National Park Service proposes to contract with private firms to conduct some surveys and investigations, prepare the preliminary designs, and implement the construction program. To assure adequate consideration

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of historic and cultural properties under study, the advertisement for the project will stipulate that the successful bidder must have professional historical architectural staff as defined in 36 CFR 63 and a record of prior satisfactory historic preservation work.

I. For purposes of the Energy Management Program and this part of the Agreement, properties listed in or eligible for listing in the National Register of Historic Places are referred to as "historic structures" and include:

1. Structures listed in the National Register of Historic Places individually or as part of a district,

2. Structures determined eligible for listing in the National Register of Historic Places, either individually or as part of a district in accordance with Section 2(b) of Executive Order 11593,

3. Structures determined by the National Park Service, in consultation with the State Historic Preservation Officer, to meet National Register Criteria either individually or as part of a district, or in the process of being nominated to the National Register, and

4. Structures evaluated and found eligible for the National Park Service List of Classified Structures and included in that listing in management categories A, B, or C as defined in the Cultural Resource Management Guideline.

J. All implementing actions pursuant to this agreement that have an effect upon historic structures as defined herein will be considered to have no adverse effect or to have had the adversity satisfactorily mitigated and may be carried out without further referral to the Council or the State Historic Preservation Officer, subject to the following conditions:

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1. Subsequent to each park survey and prior to approval of any actions affecting historic structures as defined above, the National Park Service shall notify the appropriate State Historic Preservation Officer of their intentions and provide an opportunity for comment. A sample notification letter is included in Appendix III.

2. Energy management program projects affecting historic structures and all preliminary design work are identified through an internal review process and subject to an evaluation/determination of effect by the regional cultural resource management specialists prior to approval by the Regional Director of the final design/construction drawings/specifications. This review shall conform to that set forth in the Special Directive (See Appendix II).

3. Implementing actions shall meet appropriate standards concurred in by the Advisory Council. General and specific standards guiding investigation and design of modifications to historic structures are listed in paragraph 9 and included in Appendix II.

4. No construction affecting any historic structure shall begin prior to Regional certification that the project conforms to the general standards cited herein, or compliance with Section 106 of the National Historic Preservation Act has been completed on the action as a separate undertaking.

5. At the request of the Council or the State Historic Preservation Officer, the National Park Service shall provide copies of individual survey and evaluation reports for retrofit projects having an effect on a historic structure.

6. For purposes of Council records, the National Park Service shall review and maintain adequate documentation evidencing that individual implementing actions are consistent with this Agreement and National Park Service policies and guidelines.

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Such documentation shall be the same as that required by paragraph B.2. of Part I and shall be made available to the Council upon request.

7. Individual actions affecting historic structures as defined in Section II of this Agreement shall be referred to the Council for comment pursuant to 36 CFR 800 when the National Park Service, State Historic Preservation Officer or the Council, independently or upon notification, determines that an individual action may have an adverse effect on such structures pursuant to 36 CFR 800.4 and that such effect has not been satisfactorily mitigated.

Robert M. Utley (date) 12/6/79
Deputy Executive Director
Advisory Council on Historic Preservation

(date) 12/12/79
Director, National Park Service

(date) 12/8/79
President, National Conference of State
Historic Preservation Officers

(date) 12/11/79
Chairman
Advisory Council on Historic Preservation

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APPENDIX I

In accordance with Section I (E) of the above cited Programmatic Memorandum of Agreement, the undersigned agree that the National Park Service regional directors will be the agency officials responsible for submitting planning documents for Council review and for approving actions to be implemented under this Memorandum of Agreement in the same way they approve actions processed under 36 CFR Part 800. The Assistant Director, Cultural Resources, Washington Office, will be the official responsible for monitoring regional compliance with the provisions of this Memorandum of Agreement, for maintaining a central documentation file for Advisory Council review in accordance with Secton B(2) of this Memorandum of Agreement, and for representing the Service on other matters pertaining to the Memorandum of Agreement.

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Enclosure 2

PROCEDURES FOR NATIONAL PARK SERVICE COMPLIANCE WITH SECTION 106 IN ACCORDANCE WITH THE PROGRAMMATIC MEMORANDUM OF AGREEMENT BETWEEN THE NATIONAL PARK SERVICE, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS, January, 1980

I. PURPOSE AND AUTHORITY

A. Purpose

To establish procedures for assessing, documenting, and reviewing the effect of NPS undertakings on cultural properties listed in or eligible for listing in the National Register of Historic Places.

B. Authority

These procedures are established pursuant to Section 106 of the National Historic Preservation Act of 1966 and the Programmatic Memorandum of Agreement between the National Park Service the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers of December, 1979. They supplement the Advisory Council's Procedures for the Protection of Historic and Cultural Properties (36 CFR 800).

II. PROCEDURE

A. Advisory Council Review of Plans

All basic NPS planning documents for areas of the National Park System prescribing actions that will affect properties included in or eligible for inclusion in the National Register shall be subjected to Advisory Council review in accordance with 36 CFR 800. These include general management plans and their components, cultural resource management plans and any other documents prescribing actions not covered by a previously reviewed plan. Regional directors shall be responsible for submitting these documents for review and for concluding memorandums of agreement with the Council.

B. Originating Office Action Assessment

At the earliest feasible stage of action planning, but in any case before taking any action that may affect a cultural property, the park superintendent or other responsible official proposing such an action shall consider its possible effect on cultural resources and its consistency with approved plans, management policies, directives and guidelines. ("Effect" is defined in 36 CFR 800.3). This consideration shall be documented in Part A of the assessment of effect format (1/80), entitled Assessment of Actions Having an Effect on Cultural Resources, in accordance with the instructions provided in Part III of these procedures. The format shall then be forwarded to the appropriate regional office.

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C. Regional Professional Review and Certification

The Regional Archeologist, Regional Historian, and Regional Historical Architect shall conduct an independent professional review of the proposed action based on the documentation provided by the originating official. In so doing, they shall exercise their professional judgment as to whether:

(1) the documentation of effect is adequate;

(2) the proposed action is planned and will be conducted in accordance with all relevant management policies, directives and guidelines;

(3) the proposal incorporates all feasible measures to minimize adverse effects to cultural resources; and

(4) the proposed action is limited to preservation maintenance (as defined in the Cultural Resources Management Guideline, NPS-28) or it is authorized by an approved planning document reviewed and concurred in without relevant exceptions by the Advisory Council.

If all concerned regional cultural resource professionals, i.e., those whose disciplines are affected by the proposal, can certify affirmatively to all of the foregoing conditions, the proposed action will be regarded as in execution of a plan that is in conformity with 36 CFR 800 and the Regional Director may authorize it to proceed. If the proposed action is limited to an Energy Management Program project then only the first three conditions above need to be certified for the proposed action to conform with 36 CFR 800 and the Regional Director may authorize it to proceed.

D. Regional Professional Noncertification

1. If the concerned regional professionals can certify affirmatively to the first three conditions above but cannot certify affirmatively to the fourth, adherence to the procedures for determination of effect and consultation in 36 CFR 800 is required before the action may proceed. In such a case, the assessment of effect format (1/80) shall be retained as an attachment to the letter(s) recording and transmitting the professional determination of effect. If the proposed action is limited to an Energy Management Program project then this step is disregarded.

2. If the concerned regional professionals cannot certify affirmatively to each of the first three conditions above they shall consult with the originating official and, in the case of an Energy Management Program project, with the Regional

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Energy Coordinator, to achieve mutually acceptable modifications in the proposal and/or documentation. If this consultation is unsuccessful, the concerned professionals shall indicate and explain their refusal to certify on the assessment of effect format (1/80) and attachments thereto. In the absence of appeal, the originating official is then prohibited from proceeding with the proposed action.

E. Professional Consultation with WASO

Any professional differences of opinion among the cultural resources professionals regarding the four conditions in C above, or regarding a determination of effect pursuant to 36 CFR 800, shall be referred to the Assistant Director, Cultural Resources, Washington Office, for professional review and resolution.

F. Appeal of Regional Professional Noncertification

If, following professional noncertification of any of the first three conditions in C above, the originating official still wishes to proceed with the proposed action, he may appeal to the Regional Director. If the Regional Director wishes the proposal to proceed without modifications meeting the professional concerns of the regional cultural professionals, he must forward the assessment of effect format (1/80) and attachments with a memorandum justifying his position to the Associate Director, Management and Operations, WASO, attention Assistant Director, Cultural Resources, WASO. If the proposed action is an Energy Management Project he should specify that in the memorandum.

G. WASO Professional Review and Certification

1. Upon receipt of a Regional Director's appeal, the NPS Chief Anthropologist, Chief Historian, and Chief Historical Architect shall conduct an independent professional review of the proposed action. If the proposed action is an Energy Management Program project, the Chief Historical Architect shall consult with the Servicewide Energy Coordinator. If, on the basis of their review, the Assistant Director, Cultural Resources, can certify affirmatively to all of the four conditions in C above, he shall so notify the Regional Director, who may then authorize the proposed action to proceed. If the proposed action is an Energy Management Program project the Assistant Director, Cultural Resources, need only to certify to the first three conditions in C above for the Regional Director to authorize the proposed action to proceed.

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2. If the Assistant Director, Cultural Resources, WASO, can certify affirmatively to only the first three conditions in C above, he shall so notify the Regional Director, who must then follow the procedures for determinination of effect and consultation in 36 CFR 800 before authorizing the action to proceed. If the the proposed action is an Energy Management Program project disregard this step.

3. If the Assistant Director, Cultural Resources, WASO, cannot certify affirmatively to each of the first three conditions in C above, he shall so notify the Regional Director. The Regional Director shall then consider dropping the proposal or requesting modifications to meet the expressed professional concerns. If the latter course is followed, regional professional certification and subsequent action shall proceed in accordance with C or D(1) above.

4. If the Regional Director wishes to proceed with the proposed action without modifications meeting the professional concerns of the regional professionals or the Assistant Director, Cultural Resources, WASO, he shall then follow the procedures for determination of effect and consultation in 36 CFR 800.

5. The response of the Assistant Director, Cultural Resources, WASO, to a Regional Director's appeal shall be presented and justified in a memorandum to the Regional Director no later than 20 days following receipt of the appeal. If the Regional Director wishes to proceed with the proposed action in circumstances requiring consultation under 36 CFR 800, the memorandum of the Assistant Director, Cultural Resources, WASO, shall accompany the assessment of effect format (1/80) and prior attachments as an enclosure to the necessary correspondence.

III. DOCUMENTATION

A. Purpose

In accordance with Section B(2) of the Programmatic Memorandum of Agreement with the Advisory Council and National Conference of State Historic Preservation Officers, the National Park Service must maintain adequate documentation on actions implemented under Sections B and C of this Memorandum to permit their monitoring by the Council. For actions under Section B, i.e., those not individually subjected to the procedures for determination of effect and consultation in 36 CFR 800, the documentation must demonstrate their consistency with relevant policies, guidelines and directives, and with plans previously concurred in by the Advisory Council. For actions under Section C the documentation must demonstrate their consistency with relevant policies, guidelines and directives.

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B. Process and Format

The format, Assessment of Actions Having an Effect on Cultural Resources (1/80), shall serve as the principal means for documenting compliance with the special provisions of the Programmatic Memorandum of Agreement and shall be required in documenting compliance with 36 CFR 800 not under the Programmatic Memorandum of Agreement. It shall serve as an attachment to regional office correspondence on proposed actions requiring consultation under under 36 CFR 800. The originating official shall therefore complete Part A of the assessment of effect format (1/80) for all proposed actions that may affect cultural resources. The following instructions are keyed to the numbers of this part:

1. Enter the park name, code, and district within the park if applicable.

2. Describe the proposed action. For actions that will disturb the ground and thus possibly affect archeological resources, indicate the horizontal and vertical extent of the proposed disturbance. In general, the extent of detail of description should correspond to the extent of the proposed action's effect on cultural resources.

3. Justify the action. Describe the benefits to be gained by the action.

4. Identify the known cultural resources to be affected by the proposed action. Include the LCS references of affected historic structures. If the action will disturb ground that may contain presently unidentified archeological resources, so state. (In the latter case, an appropriate level archeological survey or assessment will be necessary to determine the project's impact on such resources.)

5. Check as many of the listed effects as apply. Describe below the specific nature and extent of those effects.

6. Indicate whether the proposed action is or is not limited to preservation maintenance. (Preservation maintenance is defined in the Cultural Resources Management Guideline, NPS-28.) If the proposed action is not confined to preservation maintenance list the approved plan(s) authorizing the action (Programmatic Memorandum of Agreement, Section A and B; and Part IIA above). If there is no approved plan authorizing a non-maintenance action, so state.

7. Cite any NPS policies, directives, standards, and guidelines that relate to the proposed action as it affects cultural resources and describe how the action is or is not consistent with them. What is required here is reference to cultural resources management policies and guidelines.

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8. Describe any measures that will be taken to mitigate any adverse effects to cultural resources caused by the proposed action. Among such measures might be prior cultural resource surveys, project supervision by the concerned preservation professional, archeological monitoring and salvage, the use of compatible materials in new or replacement work, visual screening of new development in a historic environment, recording of structures prior to demolition, preservation of archeological and architectural materials removed from sites and structures, etc. Benefits gained such as increased safety or access, added interpretive potential, reduced cost, etc. should not be cited as mitigation.

9. Identify any studies, reports, drawings, or other data relating to the proposed action as it may affect cultural resources. Such data may include historic structure reports, project drawings and specifications, location plans, evidence of past site uses and earthmoving disturbances, soil studies, etc. When feasible, copies of supporting data should accompany the form to the regional office.

10. The person preparing Part A shall sign as indicated.

11. The park superintendent shall attest to the completeness and accuracy of the information provided by signing as indicated.

Upon receipt of the assessment of effect format (1/80), the Regional Archeologist, Regional Historian, and Regional Historical Architect shall complete Part B. Each regional professional (or a subordinate qualified professional in full acting capacity) shall sign. In the case of a proposed action not involving each of the three professional disciplines, the professional(s) without involvement shall check "N/A". The involved professional(s) shall express his/her judgment on the first and second statements in this part by checking "Yes" or "No" for each statement. If the involved professionals indicate "No", then they shall consult as provided for in II.D.2. above. A consultation with the Regional Energy Coordinator if required shall be indicated by the Regional Energy Coordinator's signature. If there is a difference of opinion among the involved professionals on either statement, the difference shall be referred to the Assistant Director, Cultural Resources, WASO, for resolution as indicated in Part II.E. above. Any qualifying comments or additional requirements shall be entered where indicated, or on attachments if necessary. Qualifying comments become part of a proposal affirmatively certified by the involved professionals. Negative certifications must be justified on attachments.

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The Regional Director may sign Part C to approve the proposed action, which shall include the qualifying comments, following affirmative certification of both statements in Part B by each involved regional professional (or the Assistant Director, Cultural Resources, WASO). If affirmative professional certification of both statements cannot be obtained, the Regional Director shall not sign or permit the proposed action to proceed until the requirements for external consultation under 36 CFR 800 have been met.

A copy of the assessment of effect format (1/80) shall be forwarded to the Assistant Director, Cultural Resources, WASO, for each action on which it is prepared. For actions approved by the Regional Director without external consultation under 36 CFR 800, these copies shall comprise a central documentation file for Advisory Council review upon request. For actions processed under 36 CFR 800, copies of forms and accompanying correspondence shall be sent to the Assistant Director, Cultural Resources, WASO, at the time of consultation. His signature in Part D of the assessment of effect format (1/80) attests to his monitoring for compliance with policies, guidelines, directives and procedures.

Part E of the assessment of effect format (1/80), Additional Procedures, is a means of documenting the required procedures if the proposed action cannot be certified or approved initially in the region. It is not expected that many proposals will require review beyond the regional level. For that reason, Part E is confined to a separate page.

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Advisory Council On Historic Preservation

1522 K Street, NW
Washington, DC 20005

1981 PMOA on ENERGY MANAGEMENT AND PRESERVATION MAINTENANCE

AMENDMENT TO PROGRAMMATIC MEMORANDUM OF AGREEMENT BETWEEN THE NATIONAL PARK SERVICE, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION AND THE NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS

WHEREAS, the National Park Service (NPS), the National Council of State Historic Preservation Officers, and the Advisory Council on Historic Preservation (Council) executed a Programmatic Memorandum of Agreement on December 19, 1979, for energy management and preservation maintenance; and,

WHEREAS, in accordance with the terms of that Agreement the parties have reviewed the Agreement and have determined that it should be modified; and,

WHEREAS, pursuant to 36 CFR Sec. 800.6 of the Council's regulations, representatives of the Council, NPS, and the National Conference of State Historic Preservation Officers have consulted and reviewed the amendments;

NOW, THEREFORE, it is mutually agreed that the following amendments will supercede the original stipulations.

Stipulations

1. This Agreement covers actions related to energy management and preservation maintenance that could affect any historic property including, but not limited to, properties that are listed in the National Register of Historic Places, that are eligible for the National Register, that meet the Criteria for listing in the National Register, or that are included in the List of Classified Structures.

2. Decisions regarding energy management actions will be made and carried out in consultation with historical architects or other pertinent preservation professionals, and must conform to the standards contained in NPS-28, "Cultural Resources Management," and NPS Management Policies, Chapter V. The pertinent State Historic Preservation Officer (SHPO) will be given notice of proposed actions and upon request the SHPO will be included in the consultation with the preservation professionals.

3. Decisions regarding preservation maintenance actions will be made and carried out in consultation with historical architects or other pertinent

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preservation professionals and must conform to the definition and standards contained in NPS-28, "Cultural Resource Management," and NPS Management Policies, Chapter V.

4. NPS will review these actions to insure such conformity and will maintain evidence of this compliance in a form acceptable to the Council and available for review by the Council and the State Historic Preservation Officer of the state(s) in which the activity is undertaken.

5. Any action that will not conform to these standards will require individual review in accordance with 36 CFR Sec. 800.4.

6. This Agreement will be reviewed and modified as needed. The Assistant Director, Cultural Resources Management, NPS, will represent NPS for this and any other purpose pertaining to this Agreement.

Robert Garvey 9/11/81(date)
Executive Director
Advisory Council on Historic Preservation

Russell E. Dickenson (date) 9/11/81
National Park Service

(date) 9-11-81
National Conference of State Historic
Preservation Officers

Alexander Aldrich (date) 9/11/81
Chairman
Advisory Council on Historic Preservation

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APPENDIX V: FORMULATION (EXECUTION) PRIMARY WORK ELEMENTS

PWE 250 (292) CULTURAL RESOURCES CYCLIC MAINTENANCE

Project costs directly associated with cyclic preservation maintenance performed less frequently than annually on cultural landscapes, archeological and historic sites, historic and prehistoric structures, and cultural and natural history collection materials. Included are costs of personnel services for technicians, specialists, contract services, materials and equipment. Also included are costs of preparation of historic structure preservation guides, collection preservation guides, or cultural resources preservation guides. All cyclic preservation maintenance work is to be in accordance with an approved historic structure preservation guide, collection preservation guide, or cultural resources preservation guide, or under the direction of the appropriate regional cultural resources specialists in accordance with the Service's policies, standards, and guidelines. Programmed and funded from the regional cultural resources cyclic maintenance account.

PWE 252 (300) CULTURAL RESOURCES OPERATIONAL MAINTENANCE

Costs directly associated with operations, housekeeping and routine preservation maintenance performed more frequently than annually on cultural landscapes, archeological and historic sites, historic and prehistoric structures, and cultural and natural history collection materials. Included are costs of personnel services for technicians, specialists, contract services, materials, and equipment. All housekeeping and routine preservation maintenance work shall be in accordance with an approved historic structure preservation guide, collection preservation guide, or cultural resources preservation guide; if such guides are nonexistent or incomplete, work is to be under the direction of the appropriate regional cultural resources specialists in accordance with the Service's policies, standards, and guidelines. Programmed and funded from the park base account.

PWE 254 (184, 185) CULTURAL RESOURCES MANAGEMENT STUDIES

Project costs directly associated with acquisition, synthesis and reporting of anthropological, archeological, architectural and historical information base data necessary to: (1) locate, inventory, document, evaluate, determine significance and nominate qualified cultural resources to the National Register of Historic Places; (2) prepare the Cultural Sites Inventory, the List of Classified Structures, and the National Catalog of Museum Objects; (3) prepare new area studies, and general management plans; (4) complete cultural resources management programs; (5) prepare administrative histories; (6) complete regionwide and servicewide topical themes associated with the history or prehistory of units within or qualified for inclusion within the National Park System; (7) edit, design, and publish professional reports resulting from studies in the cultural resources disciplines; and (8) prepare sociocultural studies related to

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Native American groups who are associated with areas within or qualified for inclusion within the National Park System. Included are costs of personnel services for professionals and contract services. Also included are project related costs for data collection and for preparation of archeological clearance survey reports, data recovery reports, historic ground reports, and historic structure reports. All work is to be performed under the direct supervision of the appropriate cultural resources specialists in accordance with Service policies, standards and guidelines. Studies associated with cultural resources operational maintenance, cultural resources cyclic maintenance, resources preservation, construction advanced planning, and leasing of historic properties are excluded. Programmed and funded from the park and region base account.

PWE 256 (302) CULTURAL RESOURCES PRESERVATION

Project costs directly associated with acquisition, synthesis and reporting of anthropological, archeological, architectural and historical information base data necessary to: (1) locate, inventory, document, evaluate, determine significance and nominate qualified cultural resources to the National Register of Historic Places; (2) prepare the Cultural Sites Inventory, the List of Classified Structures, and the National Catalog of Museum Objects; (3) complete cultural resources management programs; (4) prepare administrative histories; (5) complete regionwide and servicewide topical themes associated with the history or prehistory of units within or qualified for inclusion within the National Park System; (6) edit, design, and publish professional reports resulting from studies in the cultural resources disciplines; and (7) prepare sociocultural studies related to Native American groups who are associated with areas within or qualified for inclusion within the National Park System. At the WASO level, the costs of servicewide projects to develop cultural resources management systems and to apply current technologies or to develop new methodologies for the preservation and management of cultural resources. Also eligible are project costs directly associated with stabilization work on cultural landscapes, archeological and historic sites, historic and prehistoric structures, and cultural and natural history collection materials; and project costs to record or recover data from cultural resources under imminent natural or human threat. Included are costs of personnel services for technicians and professionals; contract services; materials; and equipment. Also included are project related costs for data collection and for preparation of archeological clearance survey reports, data recovery reports, historic ground reports, and historic structure reports. All work is to be performed under the direct supervision of the appropriate cultural resources specialists in accordance with Service policies, standards and guidelines. Programmed and funded from the WASO cultural resources preservation fund.

PWE (451) LEASING OF HISTORIC PROPERTIES REIMBURSABLE INCOME AND EXPENSES

Reimbursable income from leases of National Register historic properties including archeological and historic sites, and historic structures to be used for housekeeping, routine preservation maintenance, cyclic maintenance, stabilization, and restoration, administration, and related expenses. Included are costs of personnel services for technicians, specialists, contract services, materials and equipment. Also included are costs of appraisal, and management of the leases; and preparation of historic structure reports, historic grounds reports, cultural resources preservation guides, historic structure preservation guides, and construction documents for historic properties. All leases, and treatment work shall be in accordance with P.L. 96-515 (94 Stat. 2997) Section 207 approved December 12, 1980, 36 CFR 18, and the Service's policies, standards, and guidelines. Unobligated balances may be carried forward into the new fiscal year in an amount not to exceed income received in the last two years. Any surplus proceeds from such leases shall be deposited into the Treasury of the United States at the end of the second fiscal year following the fiscal year in which such proceeds were received.

APPENDIX W: CONTRACTING

SPECIAL PROVISIONS FOR CULTURAL RESOURCES

All contracts for undertakings with the potential to impact cultural resources must contain specific provisions for protection of both the resources being treated and other resources in the project area.

The following paragraphs are examples of the kinds of stipulations that can be included, as appropriate.

PRESERVATION OF HISTORIC STRUCTURE: Provide maximum protection, take all reasonable means, and exercise special care to prevent damage to the entire structure and, in particular, to areas designated as historic fabric. Every aspect of the structure and site shall be considered historic fabric unless designated otherwise by the contracting officer. Should the structure, despite protective measures, be damaged by contractor's operations, the contractor shall repair or replace damaged areas to match as closely as possible the existing condition. Such repairs shall be done at no additional expense to the government and to the satisfaction of the contracting officer.

PRESERVATION OF NATURAL FEATURES: Confine all operations within the work limits of the project. Exercise special care to maintain natural surroundings undamaged. Do not remove, injure, or destroy trees or other plantings without prior approval. Do not fasten ropes, cables or guys to existing trees for anchorage. Restore damaged trees or natural features as nearly as possible to original condition at no additional expense to the government.

ARCHEOLOGICAL FINDINGS: Petroglyphs, artifacts, burial grounds or remains, structural features, ceremonial, domestic, and archeological objects of any nature, historic or prehistoric, found within the construction area, are the property of and will be removed only by the government. Should the contractor's operations uncover or employees find any archeological remains, the contractor shall suspend operations at the site of discovery, notify the contracting officer immediately of the findings, and continue operations in other areas. Included with the notification shall be a brief statement of the location and details of the findings. Should the temporary suspension of work at the site result in delays, or the discovery site require archeological studies resulting in delays or additional work for the contractor, an equitable adjustment for compensation will be made under the general provisions of the contract.

CONTRACTING FOR HISTORIC STRUCTURE TREATMENT

In certain circumstances, one of the three following procedures may be a viable option to a standard advertised contract.

Negotiated, Cost-Reimbursement Contract With Fixed Fee Or Time-And-Materials Cost Basis

This method may be used when it is necessary or desirable that constant control of methods and procedures be exercised by the government through construction supervision. It may also be used when it is impossible or impractical to prepare definitive construction documents or when the work is such that it cannot be reasonably priced with confidence or without large contingencies.

This method requires carefully defined contractual arrangements for payment. A ceiling price is established which the contractor may not exceed without approval by the government. The following are two of several types of cost-reimbursement contracts:

> Cost reimbursement with a fixed fee (41 CFR 1-3.405-5). An estimated cost for performance and a fixed fee (not to exceed 10% of the estimated cost) are agreed upon through negotiations. During performance, all actual costs up to the target (ceiling) price are reimbursed as they are incurred, pursuant to regulatory cost principles and procedures (41 CFR 1-15). The fixed fee is paid in increments as work progresses. Reimbursement for costs in excess of the ceiling price requires approval by the contracting officer in advance of the incurrence of such costs.
>
> Time-and-materials cost (41 CFR 1-3.406-1). Hourly rates for labor and equipment are negotiated. These rates include all direct costs, except materials to be incorporated in the work, all indirect costs including overhead, and an allowance for profit. Periodic payments are made at the established rates as work progresses. Under time-and-materials contracts, payment for materials is limited to cost except in circumstances outlined in 41 CFR 1-3.406-1(d). Ceiling price may be exceeded only with advance government approval as discussed in the paragraph above.

Under this contract form, there is no incentive to the contractor to manage his labor force effectively or to control costs, and constant government supervision is required. The effect of cost-type contracting is the shifting of the risk of performance cost to the government, and a studied judgment must be made on whether this is in the best interests of the government. Because of these inherent disadvantages to the government, the contracting officer must determine that no other contract form will be adequate for the circumstances. Also, the contractor must have an adequate cost accounting system (see 41 CFR 1-3.403[a][5] and 41 CFR 1-3.405-1[b]). Steps must be taken to ensure that government personnel are on the job at all times, are in close daily contact with the work and the contractor (41 CFR 1-3.405-1[b]), and are involved in an accurate recording of costs. Despite these drawbacks, the nature of historic structure treatment work may justify, in many instances, use of one of the two types of negotiated contract forms discussed above.

It must be recognized, however, that those offices responsible for treatment must realistically and accurately determine that effective construction documents cannot be prepared. Negotiation cannot be justified merely as an expedient to avoid the difficulty of writing complex specifications. As noted above, it is highly desirable to exercise the option whenever circumstances warrant and provided that the administrative responsibilities are outweighed by the economic advantage and by the definition of bidders' qualifications, which is a part of the selection process. On the latter point, it is acceptable and realistic to assign a high value to criteria relating to qualification, considering the specialized nature of historic structure treatment work. Thus, a firm that does not possess needed qualifications will be eliminated in the evaluation process. This has the effect of making it a practical impossibility for an unqualified firm to be selected.

Negotiated Contract -- Sole Source

The nature of historic structure treatment work may, in certain selective cases, justify the use of another prescribed exception from the advertising statute and permit negotiations under 41 CFR 1-3.210 (1). Purchases and contracts may be negotiated without formal advertising if it is impracticable to secure competition for property or services when they can be obtained from only one person or firm (sole source of supply).

Use of this authority can be justified only when one individual or firm is known to possess the necessary qualifications. In historic structure treatment, as well as all other construction work, such a finding is remote except in unique circumstances. Experience with past work has shown a tendency to invoke this authority to prequalify a particular bidder because of his earlier involvement in a project, which resulted in a high degree of familiarity with the work or a special expertise. Such qualifications do not alone justify a finding of "sole source."

A sole source procurement must be accompanied by a determination that there is only one source. The contracting officer should have the regional solicitor's concurrance before proceeding with a sole source procurement.

Advertised Contract -- Two-Step

There is one other type of contract which is an exception to the standard, formally advertised contract, but it is used only when the construction documents cannot be sufficiently prepared to permit a formally advertised and competitively bid procurement.

The following additional features apply to this method:

> It is used when proposals involving novel or innovative techniques or procedures are needed to solve construction problems.
>
> Requests for proposals are issued to all interested bidders. The RFP is published in the Commerce Business Daily and other trade journals to ensure unrestricted competition.
>
> Respondents submit unpriced technical proposals based on criteria set forth in the RFP. Proposals include design by offerors, but it is essential that the government have a solid basis for evaluating technical proposals.
>
> Proposals are evaluated based on RFP criteria and only those offerors whose technical proposals are acceptable are solicited for sealed bids.
>
> The contract award is made to the firm submitting the lowest price proposal.

While there may be some application of this contract type in situations where the government wants to use construction methods or materials in line with the latest "state of the art," it is expected that this method of advertised contracting will be rarely used in the field of historic structure treatment. There are likely to be few firms which would offer unusual techniques and processes apart from the basic skills and expertise necessary for the work.

CONTRACTING FOR PROFESSIONAL SERVICES

When the decision is made to contract for needed professional services--because of fundng constraints, manpower availability, travel ceilings, personnel ceilings, or for other reasons--either of two methods of procurement may be used, depending on circumstances. Below are several comments and suggestions on each procurement method; more specific guidance should be sought from the "Federal Procurement Regulations" (41 CFR 1), the "Interior Procurement Regulations" (41 CFR 14), and procurement personnel in the regional offices.

Formal Advertising

Formal advertising is a procurement method whereby the government solicits price quotations from qualified sources for services or products that are precisely described in the solicitation. Since the government has precisely stated the requirements of the work to be performed, price becomes the sole determining factor in contract award. Although this method is used for the bulk of procurements by the federal government, it is usually not suitable for procuring professional services because of the impossibility of drafting precise specifications for the work. This is particularly true of archeological field or architectural investigations, where it is nearly always impossible to specify in advance the nature of the investigations or the exact contents of reports of investigations. However, this type of procurement may be suitable for some types of specialized technical analyses, such as material analyses, etc., where the scope of the work to be performed can be precisely determined in such a way that prospective vendors can predicate accurate price quotations on the basis of the project requirement description.

The types of contracts used in formally advertised procurements are described in 41 CFR 1-2.1. The most commonly used contract type for this procurement method is the firm fixed-price contract, in which the contractor is paid a fixed amount for performance of the contract requirements, regardless of actual cost. Under a firm fixed-price arrangement, once the price has been agreed to by both parties, the contractor is bound to it and must perform the work regardless of actual cost to him; the risk of performance (and cost overrun) is borne by the contractor, not the government.

Detailed information on solicitation and award procedures for formally advertised contracts is found in 41 CFR 1-2.

Negotiation

Negotiation is the procurement method by which contract award decisions are based on considerations other than, or in addition to, price. Since award decision is not based on price alone, negotiated contracts may not always be the most advantageous to the government from a price standpoint, so negotiation is permitted only under a relatively narrow range of circumstances, which are explained in 41 CFR 1-3.2. The circumstance most generally applicable to archeological or architectural investigations is stated in 41 CFR 1-3.210(a)(13), which permits negotiation when it is impracticable to secure competition by formal advertising because "it is impossible to draft for an invitation for bids adequate specifications or any other adequately detailed description of the required property or services."

A wide range of contract types, including firm fixed price contracts, can be used for negotiated procurements although cost-reimbursement type contracts (41 CFR 1-3.405) are most commonly used for archeological procurements in order to permit greater flexibility and possible changes in the contract terms to accommodate unforeseen or changing circumstances of the work. However, it is extremely important that proposed budgets be thoroughly scrutinized prior to contract award to ensure that the costs are reasonable and are allocated in such a way that the project goals can be realized within the available funding; this will help to reduce the need for subsequent changes to the contract terms. Under a cost-reimbursement arrangement, the government bears the risk of performance, not the contractor. This means that government personnel should monitor the work during the period of performance in order to ensure that the contractor is performing on schedule and in good faith and is utilizing manpower and financial resources as stated in the contract document.

Details concerning the use of negotiated procurement are to be found in 41 CFR 1-3.

Essentially, there are seven steps in negotiated procurement:

1. Formulation of the request for proposals. Technical personnel in the office needing the desired product or services draft a scope-of-work statement that identifies the contract type and pricing arrangement and describes the project's technical requirements, the mandatory organizational and personnel qualifications, the reporting requirements, the general provisions to be incorporated into the contract, and other details of the work to be performed. This document serves as the solicitation, called a request for proposals (RFP), which is issued to prospective contractors. This document should state the criteria by which offered proposals will be evaluated.

2. Finding and determination for method of contract. Before soliciting proposals, the contracting officer must approve negotiation as the procurement method to be used. This is accomplished by his endorsement of a finding and determination for method of contract, which is required by 41 CFR 1-3.302. This document sets forth the circumstances permitting the use of negotiation, the use of cost-reimbursement type pricing arrangements, and other details such as the legislative authority for the work.

3. Solicitation of competition. 41 CFR 1-3.101(d) requires that "negotiated procurement shall be on a competitive basis to the maximum practicable extent." To achieve this, all qualified sources must be afforded the opportunity to offer a proposal and/or price quotation. A notice concerning the availability of the RFP must be published in the Commerce Business Daily for all procurement exceeding $10,000, and the RFP must be sent to all qualified respondents who request it, along with an invitation to offer a proposal. In addition, the RFP, or at least a notice of its availability, should be sent to all prospective contractors of whom the issuing office is aware.

4. Proposal review. All offered proposals must be formally evaluated by a committee composed of technical personnel selected by the contracting officer from the immediate office, other offices within the bureau, other bureaus, or from outside the government. The technical aspects of proposals should be reviewed independently of the budgetary aspects in order to minimize any untoward bias in the subsequent selection of the best proposal. The results of this review should be formally documented and summarized to the contracting officer in a memorandum of negotiation (see below).

5. Negotiation. In this more restricted sense, negotiation means the process of bargaining with all offerors whose proposals are in the competitive range to ensure that the selected proposal will be the most advantageous to the government from both technical and price standpoints. Negotiation can be conducted by one person or by a designated team of people, and by telephone, correspondence, or in person. During negotiation, changes desired by the government are communicated to the offerors, who are invited to submit revised proposals, which are again evaluated as in step 4. There may be as many rounds of negotiation as are necessary to select an entirely satisfactory and advantageous proposal. The possibility exists that negotiations may break down and be broken off at any time by either party. At the completion of negotiations, the proposal evaluation committee should be prepared to recommend award of the contract to one of the offerors.

6. Memorandum of negotiation. All of the circumstances of the procurement, including the details of solicitation, proposal review, and negotiation, are stated in a memorandum of negotiation, in which is also stated a recommendation for award of the contract. The memorandum is provided to the contracting officer for his written approval or disapproval. It is at this point that the contracting officer makes the actual selection of the successful contractor.

7. Award procedures. Following selection of the contractor by the contracting officer, the contract document is drafted, reviewed for legal sufficiency by the regional solicitor if necessary, and then signed by both parties.

Noncompetitively Awarded Contracts

Although contracts are to be awarded competitively to the maximum extent possible, occasionally circumstances occur which justify noncompetitive award of contracts, albeit rarely. Under such circumstances, an additional finding and determination--a justification for noncompetitive procurement--must be prepared and approved by the contracting officer before procurement action is initiated (41 CFR 14-3.150). This document sets forth in logical order all of the circumstances that bear on a noncompetitive award of contract.

41 CFR 1-3.210(a)(1) provides the authority to negotiate "when property or services can be obtained from only one person or firm (sole source of supply)." Sole source procurement is the procurement of property or services that are obtainable from only one source. In other words, sole source contracting is justified when there is only one known source for the needed property or services. However, it is not sufficient to maintain that there is only one known source for a particular procurement if an effort has not been made to identify all possible sources. Examples of circumstances that may permit the use of sole source authority are as follows:

Sole proprietary interest. This pertains when a source has exclusive proprietary interest in the needed property or services. Patent rights are examples of legally protected proprietary interests, though a proprietary interest may not be so formally protected. For instance, a college or university may possess records and/or reports resulting from previous archeological research conducted by that institution which was funded through nonpublic sources. In such a case, the use of sole source authority may be justified if this information, in which the institution has proprietary interest, is essential to the success of a needed procurement. However, if the work was done with federal funding, the resulting records and reports are normally in the public domain, even if the only extant copies are in the possession of the institution.

Special requirements of the procurement. Certain procurements may require special circumstances of performance which would preclude competition. For example, if it is necessary for work to be done in close and frequent consultation with Service technical staff, it may be appropriate to restrict consideration to only those sources that are close to the location of the technical staff. If, however, there is more than one local source that meets the special requirement, or if it is not unreasonable to expect a distantly based source to establish a local operating base solely for the purpose of performing the contracted work, competition must be sought.

Unique qualification. Sole source authority may be justified if a source possesses a unique qualification necessary to the work. For example, an investigator may be developing a new analytical technique, or be the only source that uses a superior analytical technique, and thus be the only qualified source for the needed analysis. This is often the case in early stages of developmental research such as thermoluminescence dating of pottery, phytolith research, and other forms of developing technical analysis.

Continuation of previous effort. Occasionally, a contractor may be the best qualified source to complete work that was initiated --but not completed--under a previous contract. In such instances, the justification for noncompetitive procurement should clearly show that the previous work has been performed satisfactorily, and that completion of the work by a different contractor would result in diminished quality of the product (because of discontinuity in key project personnel such as the principal investigator, or in research methods or techniques that are essential to the success of the project) and/or in substantial additional costs to the government.

In the past, the interpretation has been frequently invoked that a particular contractor who completed the initial phases of a project (such as survey) is the only source that can satisfactorily conduct follow-up phases of research (such as test or mitigative excavations), by virtue of his being familiar with research problems and methods relevant to the investigation. However, this view is

> erroneous, since qualified researchers are able to formulate high-quality research designs and proposals based on the records and reports generated during the earlier phases of research.
>
> The solicitation and evaluaton of competitive proposals presents the government with the opportunity to select the highest quality research design that it can afford. Usually, archeologists with previous research experience in the study area will have an advantage in preparing proposals because of their ready familiarity with relevant research problems and methods; however, this fact does not preclude the possibility that other high-quality proposals will be received as a result of the solicitation of competition.

Past experience has shown that 41 CFR 1-3.205, "Services of Educational Institutions," has often been incorrectly used as a justification for noncompetitive award of contracts to educational institutions. This part of the federal procurement regulations provides authority to negotiate only with colleges and universities for certain kinds of training services or research work, but does not in any way lessen the requirements to solicit competition among colleges and universities for these procurements. Reasons for noncompetitive award of contracts are discussed in 41 CFR 14-3.150. In all cases of noncompetitive procurement, a formal justification for noncompetitive procurement that clearly and concretely describes the circumstances warranting noncompetitive award must be approved by the contracting officer (higher level concurrence is also required in some situations; see 41 CFR 14-3.150(f)). It is wise to seek the advice of the regonal solicitor when proposing noncompetitive procurements. The importance of maintaining close coordination with procurement personnel cannot be overemphasized.

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